

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF MASSACHUSETTS3 UNITED STATES OF AMERICA)
4)
5)
6 vs.) CR No. 11-10201-NMG
7)
8)
9 ROBERT A. GEORGE)

10 BEFORE: THE HONORABLE NATHANIEL M. GORTON

11 DAY EIGHT OF JURY TRIAL

12 APPEARANCES:

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15 Boston, Massachusetts 02210. On Behalf of the Government.16 LAW OFFICE OF ROBERT M. GOLDSTEIN (By: Robert M.
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18 02116.

19 - And -

20 LAW OFFICE OF KEVIN J. REDDINGTON (By: Kevin J.
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22 Massachusetts 02301. On Behalf of the Defendant.23 John Joseph Moakley United States Courthouse
24 Courtroom No. 4
25 One Courthouse Way
26 Boston, MA 02210
27 Friday, June 8, 2012
28 9:17 a.m.29 Cheryl Dahlstrom, RMR, CRR
30 Official Court Reporter31 John Joseph Moakley United States Courthouse
32 One Courthouse Way, Room 3209

33 Boston, MA 02210

34 Mechanical Steno - Transcript by Computer

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E X H I B I T S

11	No.	Description	In Evd.
12	124	Binder of transcripts offered by Government	7
13	125	Binder of transcripts offered by Defendant	7
14	1C	\$80,000 check (struck from the record) ...	7
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1 P R O C E E D I N G S

2 THE COURT: Good morning, counsel. I wanted to see
3 you before we call the jury for some last-minute items that we
4 need to clarify. First of all, I have received overnight the
5 defendant's motion for an instruction regarding Count 2. I
6 take it the government has also received a copy?

7 MS. KAPLAN: Yes, your Honor.

8 THE COURT: I'm going to deny that motion. The Court
9 does, in fact, use the Sand standard instruction that does
09:17 10 refer to the term "involved," which is the key word that the
11 criminal -- that the defendants brought up to me. And,
12 therefore, I am not going to change my standard charge, but I
13 note your objection for the record.

14 MR. GOLDSTEIN: Thank you, your Honor.

15 THE COURT: Then with respect to the admission of the
16 binder with the transcripts, have counsel reached an agreement?

17 MR. HAFER: Yes, your Honor.

18 THE COURT: All right. Then it will be marked, and I
19 will inform the jury before closings that it will be marked as
09:17 20 Exhibit 124 and therefor be allowed to go into the jury room.
21 I believe there's no other 124, is that right?

22 MR. GOLDSTEIN: I don't think so, your Honor.

23 MR. HAFER: I think it probably will actually be two
24 things. It will be the binder that they've had throughout
25 trial and then the additional transcripts from Mr. Goldstein.

1 I don't know whether you want to give our binder a lower number
2 and then his the -- whatever number --

3 THE COURT: 124, 125 -- what is the -- I'm going to
4 let counsel do this then. When the jury comes in, I will turn
5 it over to you to clarify what these exhibits are. 124, I
6 would take it, would be the binder that we've been using. 125
7 would be a binder with how many transcripts in it?

8 MR. GOLDSTEIN: I'll get the exact number, your Honor.

9 THE COURT: About 15?

09:18 10 MR. GOLDSTEIN: About 15, plus the April 27th that we
11 played as well. Remember, we brought Mr. Dardinski back. That
12 should also go to them. There will be about 16 or 17
13 transcripts.

14 THE COURT: It will be marked as 125?

15 MR. GOLDSTEIN: 125.

16 THE COURT: I'll let the government offer 124. Mr.
17 Goldstein will offer 125. And then I will inform the jury that
18 Exhibit 1C, that is, the \$80,000 check given to Special Agent
19 Tamulevitz by Mr. Hansen, which was previously admitted into
09:18 20 evidence by the government, is stricken from the record. Any
21 problem with that?

22 MR. GOLDSTEIN: Just also related testimony regarding
23 -- because Agent Tamulevitz did testify regarding the check,
24 your Honor.

25 MR. HAFTER: I understand the basis of the Court's

1 order to be as stated yesterday: the hearsay, the Crawford
2 issues. I don't think that the testimony from a witness on the
3 stand raises the same issues. The issue was the hearsay of the
4 check, and I don't think the direct --

5 THE COURT: I agree. I'm not going to strike related
6 testimony. I'm going to strike the document.

7 MR. GOLDSTEIN: Just for the record, your Honor, as
8 the Court ruled, I believe, Agent Tamulevitz' entire basis of
9 knowledge regarding the check comes from Mr. Hansen's
09:19 10 post-cooperation statements. It was given to Agent Tamulevitz
11 after Mr. Hansen became a cooperator, and his only basis of
12 knowledge regarding the check comes from those post-conspiracy,
13 post-cooperating statements. And I respectfully suggest that,
14 for all the reasons I put in the motion, to have them consider
15 Agent Tamulevitz' testimony violates Mr. George's Sixth
16 Amendment and Crawford.

17 THE COURT: I'm going to strike the document and not
18 refer to the testimony, Mr. Goldstein. Your objection is
19 noted.

09:20 20 MR. GOLDSTEIN: Thank you.

21 THE COURT: And I believe those are the only items
22 that need to be called to the attention before we go to
23 closings.

24 Oh, one other matter. The verdict form -- have you
25 passed out the verdict form, Christine? I've slightly amended

1 it so that Counts 2 and 3 refer to aiding and abetting, which
2 they didn't mention yesterday. Any problem with that?

3 MS. KAPLAN: No, your Honor.

4 MR. GOLDSTEIN: No, your Honor.

5 THE COURT: Okay. I'll give copies of the revised
6 verdict form now.

7 With that, we're ready to call the jury.

8 (The jury entered the room at 9:22 a.m.)

9 THE COURT: Good morning, jurors. We are just about
09:23 10 ready to have closing arguments. There are a few minor matters
11 that we need to take care of before we start with respect to
12 some exhibits. I'm going to turn it over to the government and
13 to defense counsel with respect to two exhibits that are going
14 to be offered and admitted into evidence.

15 MR. HAFTER: Thank you, your Honor. At this time, the
16 government would offer Exhibit 124, the transcript binder that
17 the jurors have used throughout the trial, into evidence.

18 MR. GOLDSTEIN: And the defense would offer Exhibit
19 125, which will be transcripts of the jail recorded calls that
09:23 20 were played during the case as well as a transcript from April
21 27, 2010, the defense played during Mr. Dardinski's
22 reexamination.

23 THE COURT: So the first will be admitted, the black
24 binder that you've had, as 124, and the group of transcripts
25 that Mr. Goldstein just mentioned will be 125. They will both

1 be admitted.

2 (Exhibit No. 124 received into evidence.)

3 (Exhibit No. 125 received into evidence.)

4 THE COURT: Now, also, jurors, with respect to Exhibit
5 1C, that was that \$80,000 check given by Special Agent
6 Tamulevitz -- to Special Agent Tamulevitz by Mr. Hansen, which
7 was previously admitted into evidence by the government. That
8 exhibit is stricken from the record, and evidence that the
9 Court orders stricken is no longer evidence in the case and
09:24 10 must not be considered by you once you commence your
11 deliberations.

12 (Exhibit No. 1C struck from the record.)

13 THE COURT: Now, before we get to closings, by
14 tradition, I will just inform you the government goes first and
15 has a right to a short rebuttal. So you will hear first from
16 the government, have their closing arguments. Then you'll hear
17 from defendant's counsel, his closing argument, and then you
18 will hear a brief rebuttal from the government. At that point,
19 we will take a recess before I give you my charge on the law.
09:25 20 So that's the order of events today.

21 And with that, Miss Kaplan may make closing argument
22 for the government.

23 MS. KAPLAN: Thank you, your Honor.

24 THE COURT: Miss Kaplan, I want you to turn so -- put
25 it down and then turn the whole easel so that I cannot be

1 sighted from you. Yes, that's okay.

2 MS. KAPLAN: May it please the Court, counsel, members
3 of the jury, good morning. This is a case about a 30-year
4 member of the bar, an attorney, an attorney who strayed far,
5 far afield from the law. And he strayed far afield from the
6 law by entering into a corrupt agreement with another
7 individual, Michael Hansen, to launder his former client's
8 money. This is all well before the government ever entered
9 into this case.

09:26 10 On March 18 of 2009, you heard, in the first recorded
11 conversation, that the defendant, this 30-year member of the
12 bar, was captured on tape talking to a criminal who was working
13 for the DEA and working at the direction of the DEA. During
14 that conversation, the defendant and the former criminal -- or
15 the criminal, the former client, Ronnie Dardinski, discussed
16 that Dardinski had a hundred grand. And he revealed -- the
17 defendant revealed that he had spoken to a third party, Michael
18 Hansen, about laundering this money.

19 You heard the defendant's own words in that
09:27 20 conversation. You heard the defendant as he assured Dardinski
21 that if this guy, Hansen, was not all right, Dardinski, the
22 criminal, could hold the defendant 100 percent responsible.
23 You heard the defendant say, "We are all set," "we," meaning
24 the defendant, Michael Hansen, and Dardinski. You heard the
25 defendant say that he would deliver the check himself to

1 Dardinski. You heard the defendant say that Dardinski would
2 not have to sign anything and that Hansen had explained it all
3 to the defendant and that the defendant thought that was the
4 better way to do it, a better way than the defendant himself
5 had thought. This is all before -- all before, the
6 conversation with Hansen, the government gets involved.

7 From that very first recorded call, you have evidence
8 of a conspiracy, an agreement between two people, the defendant
9 and Michael Hansen, to do something with the criminal's money.
09:28 10 You heard Dardinski tell the defendant in that conversation,
11 and you're going to hear a lot about this, that Dardinski had
12 that other money from cocaine to hide, too. That's in the
13 first conversation. That is your unlawful agreement, members
14 of the jury: hiding Dardinski's drug money. So right then and
15 there in that very first conversation, it is clear that the
16 defendant has entered into a conspiracy to launder Dardinski's
17 money.

18 And he has already drilled down with Michael Hansen,
19 before this first recorded call, as to what the details of this
09:28 20 transaction will entail because the defendant himself is the
21 one who set this transaction up. Right in that call and the
22 next few calls into April, the government has proven that the
23 defendant agreed to engage in a financial transaction, several
24 transactions, with knowledge that these transactions were
25 designed to conceal or to disguise the source of the money, the

1 money that Dardinski had represented was from drugs.

2 This, members of the jury, is the evidence in this
3 case. These are the words from the defendant's mouth, that
4 contrary to what you were told in the defendant's opening
5 statement, prove the defendant's guilt beyond a reasonable
6 doubt. This is evidence that is not susceptible to lying, to
7 bias, to motivation. The tape can't lie. And this is the
8 evidence that the government is asking you to rely on, the
9 defendant's own words, which prove his guilt beyond a
09:30 10 reasonable doubt.

11 And that's what I want to talk to you about in this
12 summation: the evidence. This is really not a complicated
13 case. It's a very simple series of transactions that
14 constitute a conspiracy to launder money, money laundering, and
15 structuring. Whatever the defendant's motivation was, whether
16 it was his poor finances or whether it was his desperately
17 wanting to stay in business with Michael Hansen so that he
18 could send his clients to Michael Hansen to get these
19 mortgages, these loans, because these individuals couldn't
09:30 20 otherwise get them, whatever it was, the government need not
21 prove his motivation in doing what he did.

22 The defendant chose to get into bed with Ronnie
23 Dardinski, an individual that he had represented in criminal
24 cases over the years, an individual that he knew had defrauded
25 numerous individuals of over \$700,000, an individual that he

1 knew had worked for organized crime, an individual he now tries
2 to distance himself from and suggests to you that he feared
3 that he was entrapped by. He chose to get into bed with
4 Dardinski, and he chose to make him his business partner in
5 these transactions. He chose to do business with Ronnie
6 Dardinski who he now wants you to believe is completely
7 unworthy of your belief. The gaps in time between the calls,
8 the prison calls, Dardinski's criminal history, these are all
9 meant as distractions, as ways to turn your attention away from
09:31 10 the evidence in this case.

11 On behalf of the government, I want to thank you for
12 the attention that you've paid to this case. For all of these
13 charges, the issue boils down to what the defendant's knowledge
14 was as to the source of the money and what his intent was,
15 whether it was to conceal the source of the money or whether it
16 was to evade the reporting requirements. Knowledge and intent,
17 that's the issue for you to decide as to each one of the
18 counts. And I submit to you that the evidence is clear that at
19 all times this defendant knew that the money came from either
09:32 20 drugs or a fraud in which the interstate wires were used. And
21 his intent was either to conceal the source of that money or to
22 evade reporting requirements.

23 Let's talk about the tapes and the evidence. Now, Mr.
24 Goldstein, in his opening statement, told you that they were
25 going to do a forensic examination of the conversations, but

1 they didn't do that. What they did was they took a little bit
2 from Column A and a little bit from Column B, and they only
3 focused on those times that the defendant said he was not
4 involved. They want you to believe that all the times that the
5 defendant, this 30-year criminal attorney, denied the obvious
6 and claimed that he wasn't involved in this laundering of
7 Dardinski's money, something he actually set up, that those
8 false claims were the truth. And all the times that he did say
9 incriminating things, really, really incriminating things,
09:33 10 like, "He's already agreed to do the rest," that those are
11 false. They don't mean what the government says they mean.

12 But your common sense should tell you. There's no
13 reason in the world why this 30-year member of the bar would
14 make incriminating statements if they weren't true. And
15 there's every reason, in case he ever got caught, that he would
16 make statements that gave him some type of deniability, however
17 absurd that might be, because, remember, the most important
18 thing to the defendant was to protect his incorruptibility.
19 Those were his words: to protect his incorruptibility.

09:34 20 Now, another promise made to you by the defendant in
21 their opening statement was that they would show that the
22 defendant had no knowledge of the nature, the structure or the
23 details of the transactions. But that, members of the jury,
24 has been totally belied by the evidence. First, it's clear
25 that the defendant and his coconspirator, Hansen, had met in

1 connection with this money laundering scheme before this first
2 recorded call on March 18 of 2009, and you know that from the
3 March 18, 2009, call. The defendant is explaining to Dardinski
4 how he's spoken to Hansen and how they've agreed to set it up.
5 So when the call is made on 3/18/09, the conspiracy is already
6 in place. The defendant and Hansen have agreed to launder
7 Dardinski's money.

8 The evidence has also shown that the defendant and
9 Hansen did not believe that Dardinski's money was from a
09:35 10 legitimate source. They believed it was money from unlawful
11 activity. How do you know that? First, you know that back in
12 the early 2000s, Ronnie Dardinski was convicted of having
13 defrauded people of some \$700,000 in a scheme that involved use
14 of the wires.

15 Let me digress on that for a moment. What makes this
16 wire fraud, members of the jury, is that the wires were used in
17 connection with his scheme to defraud, the wires here being the
18 fax machines and the telephone calls between Massachusetts,
19 where Dardinski was, and American Lenders in Odessa, Texas.
09:35 20 The faxes were sent by American Lenders in Texas to Dardinski
21 in Massachusetts telling him which vehicles to repossess. And
22 then Dardinski told the victims of his fraud that he had those
23 vehicles. The vehicles were on the lot. He took their money,
24 and he never gave them the vehicles. That's wire fraud.
25 Regardless of whether he was charged with state larceny, that's

1 wire fraud.

2 And the next two conversations, in March -- on March
3 31st and April 6th, the defendant and Dardinski continued to
4 discuss the conspiracy to launder Dardinski's dirty money. And
5 in those conversations, you hear the defendant, not
6 Dardinski -- you hear the defendant pressuring Dardinski for
7 the money. The defendant tells Dardinski that his
8 coconspirator, Hansen, is sitting in his office waiting for the
9 money. The defendant tells Dardinski that his coconspirator,
09:36 10 Hansen, wants nothing to do with him, with Dardinski. He
11 doesn't even want to meet Dardinski. The defendant tells
12 Dardinski that he, the defendant, is going to take that cash
13 from Dardinski, and he's going to give it to Hansen. And then
14 he's going to get the check from Hansen and give it to
15 Dardinski. He tells him he's going to be smack in the middle
16 of this transaction.

17 He tells the defendant exactly how this transaction is
18 going to work. The defendant was going to take that bag of
19 money on those -- in those first few conversations and give it
09:37 20 to Hansen, his coconspirator. The defendant tells Dardinski in
21 those first conversations that Hansen is making 2,900, he says,
22 which, by the way, is worth it when you think about what he's
23 doing, which, of course, means he's laundering money. The
24 defendant says, He's going to cut you a check from his company,
25 East Coast Mortgage for \$80,000. The defendant says, You're

1 paying a guy two points on a hundred to cut you a check for 80.

2 So here it is. Here are the details of how the money
3 laundering transaction is going to occur, from the defendant's
4 own mouth, on this disk. Even at this early stage in the
5 conspiracy, in March and April of 2009, it's clear. It's the
6 defendant who is setting up this transaction. He's setting it
7 into motion with full knowledge that it was designed to conceal
8 the source of Ronnie Dardinski's unlawful proceeds.

9 It's the defendant who tells Dardinski, on April -- on
09:38 10 March 31st, Meet me today so I can get the thing done. It's
11 the defendant who tells Dardinski on April 6th, I'm not fucking
12 around with this thing anymore. It's the defendant who tells
13 Dardinski, We don't do this, we're done. He tells Dardinski,
14 He's sitting in his office right now, meaning Hansen. I blow
15 him off today, we're all done.

16 So who is rushing who, members of the jury? Is it the
17 defendant or is it Dardinski? Is Ronnie Dardinski pushing a
18 bag of cash on the defendant? No, he's not. But the defendant
19 is waiting for that bag of cash.

09:39 20 The defendant tells Ronnie Dardinski, The only way he,
21 meaning Hansen, will do this is if I, the defendant, give it to
22 him. So had Ronnie Dardinski had the money right then and
23 there, I submit to you the defendant was prepared to launder
24 his money. He was prepared to take that \$100,000 in cash from
25 this long-time criminal, cash that we well knew was from some

1 form of unlawful activity. He was prepared to give it to
2 Hansen, his coconspirator, to clean for Dardinski, and he was
3 then prepared to deliver a check to Dardinski from a mortgage
4 company for \$80,000, taking \$20,000 as a fee.

5 What else does the defendant say in that April 6th
6 conversation? Remember, on March 18th, Dardinski has told the
7 defendant that he has that other money from coke? Well, after
8 he's told him that, that he's got that money to hide, he tells
9 Dardinski, on April 6th, in that whispered tone, And by the
09:40 10 way, he's already agreed to do the rest, meaning Hansen. The
11 defendant tells Dardinski that the defendant's coconspirator,
12 Hansen, the man that Dardinski has never met and he's never
13 spoken to, that he has agreed with the defendant to launder
14 Dardinski's drug money. It cannot be any clearer than that,
15 members of the jury, that an agreement has been reached between
16 the defendant and Hansen to launder Dardinski's money.

17 Now, that's your conspiracy to launder Dardinski's
18 money right there on the disk, all without having heard a
19 single word from Ronnie Dardinski on the witness stand. That
09:41 20 is evidence that is not susceptible to lying. It has no
21 baggage and no agenda.

22 Now, we don't hear anything more until August of 2009,
23 and you heard one of the reasons for that was that DEA hadn't
24 yet gotten the money because they wanted Ronnie Dardinski to
25 try and get the commission down because \$20,000 was an awful

1 lot of money to go walking.

2 The first meeting between Dardinski and the
3 defendant's coconspirator, Michael Hansen, takes place on
4 August 14 of 2009. In that recorded call, you hear Hansen
5 slapping Ronnie Dardinski on the back, congratulating him for
6 having all of this cash, and asking him whether his four years
7 in jail was worth it. Does that sound like Hansen thought
8 Dardinski's money was from a legitimate source?

9 The very same day that Dardinski and Hansen met, on
09:42 10 August 14, 2009, there we have the defendant speaking to Ronnie
11 Dardinski and saying, How did it go? Does this sound like
12 someone who's no longer interested in being involved in this
13 conspiracy, or does it sound like someone who's facilitating
14 the scheme to launder Dardinski's money? Are you going to
15 definitely do it?, the defendant says. The defendant wants to
16 know the details. 80,000 for a hundred thousand?, he asks
17 Dardinski.

18 The next recorded conversations don't take place until
19 December of 2009, again, because the DEA is still trying to get
09:42 20 the commission down, to get Ronnie to get the commission down.
21 Again, on that same day that Dardinski talks to Hansen, the
22 defendant's coconspirator, there's the defendant on the phone
23 with Dardinski. And here's the conversation that the defendant
24 wants you to believe proves that he was not involved in this
25 conspiracy.

1 But even after the defendant asks Ronnie Dardinski in
2 that call, Why am I involved?, the defendant goes on to tell
3 Dardinski that he should tell Hansen to give Dardinski a
4 mortgage in Lakeville, to tell Hansen that that's the way the
5 business is done. Then he wants to know how much his
6 coconspirator is charging Dardinski. Does that sound like
7 someone who doesn't want to be involved, or is it someone who
8 is facilitating and assisting with the scheme, even directing
9 it? The defendant is telling Dardinski to tell Hansen how to
09:43 10 launder his money.

11 Members of the jury, when the defendant says in this
12 conversation that he isn't involved, in context, what that
13 really means is that he can't get his fingerprints on this
14 transaction, on any of these transactions, because, as he says,
15 there's nothing but trouble in it for him. Remember later he
16 tells Dardinski he can't do it because he can't paper it? But
17 his coconspirator, Michael Hansen, can? He can make it look
18 like a mortgage. A mortgage? Really? Do you believe that the
19 defendant meant mortgage in the true sense of the word? Do you
09:44 20 think for a minute that the defendant believed that his former
21 client, this criminal, this bad person, this leg breaker, this
22 mob enforcer, who he had represented before, that he owned any
23 property and he could get a mortgage? The defendant knew he
24 didn't. He knew he didn't own any property. And either he was
25 just using the word "mortgage" as code, or he thought that his

1 coconspirator, Hansen, could dummy something up to look like a
2 mortgage. But he couldn't.

3 And then in that same conversation, where he says he's
4 not involved, he admits that he put Dardinski together with a
5 guy that could lend him the money. That's Hansen, because he
6 had the mortgage company. Really? Lend him the money? A
7 loan? Was this a loan? Did Dardinski need the money? Or did
8 Dardinski need his money laundered? Again, is "loan" another
9 code word or does the defendant think that Hansen can dummy up
09:45 10 some paperwork to make it look like a loan?

11 And when the defendant tells Dardinski, I don't want
12 to talk about that anymore, isn't he really saying, I don't
13 want to talk on the phone because it may be recorded? Don't
14 you later hear him telling his coconspirator, Hansen, that
15 Dardinski was talking too much on the phone? Don't you later
16 hear him tell Hansen that he himself, the defendant, had said
17 too much on the phone as well? Doesn't the defendant -- don't
18 you hear him on the tape say to Dardinski, When you start
19 saying bad things on the phone, I say bye, Ronnie? Remember
09:45 20 when the defendant says to Dardinski, That better not be the
21 cops on the phone? If what they're talking about is
22 legitimate, why is there a problem talking on the phone?

23 Until March 23 of 2011, when the defendant is
24 arrested, does the defendant ever again say he doesn't want to
25 be involved with Dardinski? I submit to you he does not. He

1 is at all times a ready and willing participant throughout the
2 life of this conspiracy.

3 Now, we're at the first transaction on December 16 of
4 2009, the first laundering of the \$100,000 for an 80,000 check.
5 Again, the defendant is clear with Hansen, I got all --
6 Dardinski is clear with Hansen. I got all that money from the
7 cocaine, too. And Hansen says, All right. Dardinski tells him
8 that it's small shit because some of this money is from the
9 blow, the cocaine. Hansen, without batting an eye, he takes
09:47 10 that gym bag filled with \$100,000 in money from unlawful
11 activity, both drugs and wire fraud money, and off he goes with
12 a ho, ho, ho.

13 And now we're into April 15th, the second transaction,
14 where Hansen takes \$100,000 and again gives Dardinski \$80,000
15 all after Dardinski again tells Hansen the money is from
16 cocaine. Could not be clearer.

17 And ten days later, after that April 15, 2010, deal,
18 here we have the defendant once again speaking with Dardinski,
19 all after that August 2009 conversation where he said he's not
09:47 20 involved. But now the defendant has a new scheme. He's going
21 to enlist Dardinski, this criminal, this mob enforcer and leg
22 breaker, to scare Hansen. The defendant is angry because he
23 thinks that Hansen has cut him out of this deal with Dardinski.
24 He thinks that Hansen has taken the money, and he wasn't gotten
25 his cut, and he's not happy about that. So now we begin a

1 series of ridiculous conversations between the defendant and
2 Ronnie Dardinski where the defendant wants Dardinski to scare
3 Hansen into calling the defendant and then Dardinski trying to
4 get Hansen to call the defendant.

5 So, first, the defendant has used Hansen to launder
6 Dardinski's money because, of course, he can't have his
7 fingerprints on it. And then he's going to use Dardinski, his
8 former client, who Mr. Goldstein referred to ten times in his
9 cross-examination as a leg breaker, who the defendant refers to
09:48 10 as the most devious guy he knows, he's going to use him to
11 scare Michael Hansen. He's now using both Dardinski and
12 Hansen, two men who are only involved because the defendant, by
13 his own admission, put them together, to further his agenda.
14 But he wants you to believe that he's not involved. Nope, not
15 him.

16 And what he wants is for the defendant to scare the
17 ever loving hell out of Hansen. He wants Dardinski to play it
18 rough. He doesn't want Dardinski to threaten him, but he tells
19 him, If you're shaking him down for money, I don't want to
09:49 20 know. There it is again. No, don't do it, or do it, but just
21 don't tell me about it. And, interestingly, the defendant
22 suggests, as one way that Dardinski can scare Hansen is by
23 telling him the deals that he just did with Dardinski were
24 money laundering. How is that for his knowledge of what he was
25 doing?

1 Again, the issue for you to decide is did the
2 defendant know Dardinski's money was from some sort of unlawful
3 activity. The government submits that both the direct and the
4 circumstantial evidence we have presented to you show that he
5 did. But because we can't climb into the defendant's head and
6 see what he was thinking, the government is allowed to prove
7 the defendant's knowledge by circumstantial evidence as well as
8 by asking you to use your common sense. And that evidence
9 comes from several things. It comes from the understanding by
09:50 10 the defendant of who Dardinski is and the fact that he knows
11 that all of Dardinski's money comes from criminal activity. He
12 knew that Dardinski made all of his money from the repo scheme.
13 There was publicity about it. He discussed it with Dardinski
14 when Dardinski wanted to hire him but the defendant wanted too
15 much money. Even on the tapes, you heard the conversations
16 between Dardinski and the defendant about the repo scam.

17 The defendant wants you to believe that Dardinski is
18 this conniving criminal, but he also wants you to believe that
19 Dardinski's money was legitimate? He cannot have it both ways.
09:51 20 The evidence of his knowledge comes from the defendant's
21 understanding of this massive 20 percent commission that he and
22 Hansen were going to receive. The evidence comes from the
23 complete absence of any paperwork. A mortgage, a loan, with no
24 paperwork? Use your common sense. The evidence of this
25 knowledge comes from the fact that he knows Ronnie Dardinski

1 doesn't own any property in Lakeville or anywhere else. So
2 what was he getting a mortgage on?

3 The evidence comes from the meetings that the
4 defendant held in his car and in Dardinski's car, the caution
5 not to speak on the phone, the lowered voice on the phone, the
6 false exculpatory statements saying he was not involved. These
7 are all circumstantial evidence of his knowledge and his guilt.

8 Now, the defendant has suggested there's not a single
9 recording where the defendant says that he agreed to launder
09:52 10 drug money, but there are many conversations where it can
11 clearly be inferred by you. And the judge will instruct you on
12 the law of conspiracy, and I believe that you will hear that a
13 conspiracy is nothing more than an agreement or a kind of
14 partnership in criminal purpose in which each member becomes
15 the agent or the partner of every other member. The government
16 need not prove there was a formal agreement. And a person who
17 becomes a member of a conspiracy need not know all the details
18 of the unlawful scheme. Here, the defendant had a general
19 understanding of the unlawful purpose of the plan, and he
09:52 20 knowingly joined in the plan even if it was just on one
21 occasion. That's sufficient to convict him of the conspiracy
22 even if he had played a lesser role than Michael Hansen.

23 Now, you're going to hear the judge also tell you
24 about another way the government can prove knowledge of what
25 the defendant knew, and that's known as willful blindness. The

1 judge will tell you, I believe, that you can infer knowledge on
2 the part of the defendant if the defendant was aware of the
3 high probability of the fact that the money was from unlawful
4 activity and the defendant consciously and deliberately avoided
5 learning of that fact; that is, he willfully made himself blind
6 to the fact. So when the defendant says to Dardinski, You can
7 do that, but I don't want to know about it, that is willful
8 blindness. When the defendant says, in one of the
9 conversations, early conversations, As far as I'm concerned
09:53 10 about you, says this to Dardinski, whatever you were into back
11 in those days, you were into. I don't want to know anything.
12 All I know is that you went to jail. You need money.

13 When the defendant says, after being told by Dardinski
14 that the money to be laundered is from cocaine, when he says,
15 Well, I don't want to know that because it's illegal, yet
16 continues to meet with and speak with the defendant for two
17 years, that is willful blindness. That is a ostrich with his
18 head in the sand.

19 Now, the defendant seems to think that this December
09:54 20 2009 conversation is his ace in the hole where you were told 14
21 times, and you would be told again, that the defendant said he
22 wasn't involved. He says, I don't want to know about that.
23 But what he did was he did nothing more than consciously and
24 deliberately avoid learning of the true facts of Dardinski's
25 money. In other words, he made himself willfully blind to that

1 fact. And that is knowledge -- that is evidence of his
2 knowledge.

3 All throughout this case, you've heard several
4 instances of the defendant knowing what he knew or didn't know,
5 talking out of both sides of his mouth. On the one hand, the
6 defendant wants you to believe that Dardinski is the lowest
7 form of human life. And on the other hand, he wants you to
8 believe that the defendant, his loyal friend for 12 years, he
9 thought that Ronnie Dardinski's money was legitimate. Use your
09:55 10 common sense. Does that make sense to you? He can not have it
11 both ways. If he's the lowest form of life, Ronnie Dardinski,
12 then he doesn't have money from legitimate sources. And if his
13 money is legitimate, then why have to go through this whole
14 thing with this exchange of cash for checks?

15 You heard all of the conversations where Dardinski
16 told the defendant that he told Hansen that the money laundered
17 was drug money. Again, the defendant is hearing the
18 representation that Dardinski's money was from drugs. There is
19 no mistaking it. And, in fact, there comes a time during the
09:55 20 conspiracy that the defendant starts to wonder whether Hansen
21 has gone bad, whether he's cooperating with law enforcement.
22 And he tells Dardinski, I put you with the only guy in the
23 world I thought could help you with a mortgage. If the
24 defendant thought Ronnie Dardinski's money was legitimate, why
25 is there only one person in the world that could help him get a

1 mortgage or a loan? Would a 30-year experienced criminal
2 attorney believe that this former client, with a lengthy
3 criminal history, that his money was legitimate, especially
4 after Dardinski tells him it's in Upstate New York; I stashed
5 it all over the place; it's at my father's; it's at my
6 sister's; I'm hiding it all over the place?

7 If Dardinski's money was legitimate, if that's what
8 the defendant believed, why was it all in cash? If he got it
9 from a legitimate source, why wasn't it in a paycheck? Why
09:56 10 would it be delivered in a gym bag? If the defendant thought
11 it was legitimate, why, on April 6th, does the defendant tell
12 Dardinski, Nothing's going to happen because it's you and it's
13 me? If the money wasn't dirty, there would have been no need
14 for the defendant to help Dardinski launder it. Just the way
15 one doesn't launder clean clothes, one also doesn't launder
16 clean money. The defendant knew the money was not from a
17 legitimate source. This is his client, after all, his former
18 client, and he didn't care one iota where it came from. As
19 many times as he might have said he was not involved and as
09:57 20 many times as the defendant would like you to believe, he knew
21 the source of the money and conspired with Hansen to launder
22 it.

23 Later you'll hear that the defendant asked Ronnie
24 Dardinski why he would launder Dardinski's money if he wasn't
25 making any money? Remember? He said he wasn't benefiting.

1 Why would he take 80,000, give him a check for 80,000, and run
2 it through his account? He's not making anything. The judge
3 will tell you that he doesn't need to benefit from this
4 transaction for it to be money laundering. The defendant says,
5 Ronnie Dardinski doesn't even launder money to do drug deals.
6 He has to launder money to get it so he can pay his probation.
7 He says, I thought he wanted to wash that money to pay his
8 probation. Well, that's money laundering from the mouth of the
9 defendant. And this notion that if he didn't benefit from it
09:58 10 that it's not money laundering, that's ludicrous. The
11 defendant need not have benefited.

12 Why would he do this, members of the jury? Why would
13 he risk it all? Be so stupid, they will argue? We don't have
14 to prove the why, but we have a pretty good idea of what that
15 was. That's why we presented all of the financial evidence to
16 you. The defendant could not launder Ronnie Dardinski's money
17 because he didn't have the financial wherewithal to do it. He
18 didn't have the money in his bank account to launder Ronnie
19 Dardinski's money himself.

09:58 20 The financial evidence showed you that he did not file
21 taxes in 2007 and 2008. And don't be confused by the tax
22 returns that were showed to Agent Crowley when he came back.
23 There's no evidence that those tax returns were actually filed.
24 And be careful when you're looking at the tax returns of what
25 payments were made and returns were filed. I submit to you

1 that many of them are after the defendant was indicted in this
2 case.

3 During the period of this investigation, the relevant
4 time period for you to be looking at, the defendant owed over
5 \$385,000 to the IRS when he laundered that money. He spent
6 well over what he brought in over a five-year period of time.
7 He borrowed money by taking a mortgage on his second home to
8 pay living and business expenses. He bounced 35 checks to the
9 tune of over \$120,000. You saw the balances in his account.
09:59 10 He clearly was sinking further and further into a financial
11 hole. The financial motive here for the defendant, if we had
12 to prove one, which we don't, is that he was desperate to
13 continue doing business with Hansen, whatever the nature of
14 that business was. And here, with laundering Dardinski's
15 money, he could make a quick buck.

16 Now, in September of 2010, Dardinski asks the
17 defendant to find someone else to launder his money. And the
18 defendant violates his cardinal rule about talking on the
19 phone, and he says, Okay, we'll find someone else maybe. I
10:00 20 mean, I'll direct you to someone else. Well, that, by the way,
21 is facilitating and aiding and abetting. Does that sound like
22 someone who isn't involved in a scheme to launder money,
23 members of the jury?

24 And, by the way, does it sound to you from the
25 conversations you heard in this courtroom that the defendant is

1 afraid of Dardinski? Because that's what they want you to
2 believe. You must decide that. You have to ask yourself
3 whether there's any evidence that the defendant was afraid of
4 Dardinski. The defendant played the calls from Martha's
5 Vineyard when he was in jail. When you hear the talk about
6 smashing the defendant's head in, that's a conversation between
7 the defendant and his girlfriend. That's pillow talk. Did the
8 defendant ever act on that? Did he ever go to his house, even
9 though he knew where he lived, when he got out of jail? No.
10:01 10 Did he ever go to his place of business, even though he knew
11 where he got those loans, once he got out of jail? No. Were
12 those threats ever communicated to the defendant? There is no
13 evidence of that.

14 You've listened to more than 38 conversations between
15 the defendant and Dardinski. Did you hear a hint of
16 intimidation by Dardinski in those calls? Did it sound at any
17 time like the defendant was afraid of Ronnie Dardinski? And by
18 the way, this 30-year member of the bar, this experienced
19 criminal attorney, if he were intimidated and scared, don't you
10:01 20 think that he knows how to handle that, that he knows people in
21 law enforcement, that he knows how to get himself out of a
22 situation where he's being threatened to engage in criminal
23 activity?

24 And while we're on the prison calls, with respect to
25 the unrecorded calls and Dardinski being able to record and not

1 record and the visibility of the recording device, it seems
2 clear that his girlfriend, Dardinski's girlfriend, knew he had
3 been cooperating when he was in prison, but there's no evidence
4 that she knew that he was cooperating in the investigation of
5 this defendant.

6 Now we're into January of 2011, and here the defendant
7 has come up with a scam he wants to run with his former client,
8 the leg-breaking criminal that he's so afraid of. He asks
9 Dardinski, You got any cases to send me? He says "we" in that
10:02 10 conversation, "we," referring to Dardinski, his business
11 associate. It's his idea. It's not Dardinski's idea. And
12 Dardinski seizes on the defendant's idea and tells the
13 defendant that he has some drug-dealing clients he can send
14 him. And again in that same conversation, Dardinski says --
15 asks the defendant whether the defendant has ever talked to
16 that guy on the bracelet about laundering Dardinski's money.
17 By this time, it's clear that's Dardinski has made the
18 representation it's drug money over and over again. And the
19 defendant tells him he did. He doesn't say, No, don't involve
10:03 20 me. I'm hanging up the phone. I'm not meeting with you. I'm
21 done. He says he did talk to someone about it.

22 By February of 2011, the defendant and his
23 coconspirator have reconciled. He and Hansen have reconciled
24 because, of course, by then the government has enlisted Hansen
25 to cooperate. And in the February of 2011 conversation, the

1 defendant tells Dardinski, at the meeting that the defendant
2 had with the Hansen, that he basically talked to Hansen as if
3 he was wired. So you know that some of what the defendant said
4 in his conversation with Hansen was not true because he was --
5 he said he was talking like he was wired because he thought
6 Hansen was wearing a wire.

7 Also in that conversation on February 11th, Dardinski
8 tells the defendant that he was going to give him a bag of
9 cash. The defendant doesn't say, Not me. I'm not involved.
10:04 10 Instead, he says, I can't do it. He, Hansen, he was the guy.
11 Again, why? Because the defendant doesn't have the financial
12 wherewithal to do it. And we know that what it really meant
13 when the defendant said he wasn't involved is that the
14 defendant couldn't paper it. He had a law firm. Hansen had a
15 mortgage company. That's why the defendant couldn't paper it.
16 He couldn't do it in such a way as to not get caught. That's
17 why he needed other people like Hansen. Again, Ronnie
18 Dardinski tells the defendant that it was drug money. The
19 defendant doesn't say, Stop, I can't be involved. And then we
20 have a series of conversations about the defendant bringing the
21 defendant clients.

22 As you've noticed, I've just taken you through the
23 transcript binder. And that's the evidence. That's the tapes.
24 That's the evidence that cannot lie to you. The government
25 hasn't asked you to rely on Ronnie Dardinski for anything that

1 was not corroborated by the tapes. We could have come in here
2 and played tapes for you without calling Dardinski, but we
3 didn't. We wanted you to hear from Dardinski himself.

4 Would we have preferred that Dardinski was someone
5 without a criminal past? Absolutely. But we take our
6 witnesses as we find them. That is the person that the
7 defendant chose to make his business associate. These are the
8 types of individuals, like Dardinski, that can infiltrate
9 criminal conspiracies. It's unlikely that the defendant would
10:05 10 have trusted an undercover agent. The defendant himself said
11 to Dardinski multiple times on the tapes, I trust you
12 completely.

13 So we did the next best thing, and we tried to record
14 all of the conversations that Dardinski had with the defendant
15 and his coconspirator, Hansen. And as Agent Tamuleviz told
16 you, that's one way to ensure that what the confidential source
17 is saying is accurate. So you don't have to rely on Dardinski
18 as the only evidence to prove that the defendant engaged in
19 these crimes. The defendant's going to tell you you can't
10:06 20 believe a word of what Dardinski says because he's a mob
21 enforcer. He 's a liar. He's a cheat. Just remember, you are
22 the sole judges of credibility. You listened to Ronnie
23 Dardinski, and you observed his demeanor on the stand. You
24 have to ask yourselves whether you observed that he was evasive
25 or not evasive. Was he forthcoming with you? Did he answer

1 the questions? Did he tell you exactly who he is now and what
2 he once was?

3 Dardinski is exactly what he told you. He's lied in
4 the past. He's collected debts in the past. He's violated his
5 restraining orders. He doesn't like the defendant. He's been
6 paid by law enforcement. He's been paid in this case. He
7 stands to get more money and on and on. And you should
8 scrutinize his testimony. We told you that in our opening
9 statement. And you may reject all of his testimony. You may
10:07 10 reject part of it. You may reject none of it, or you may
11 accept it all.

12 But the overwhelming evidence in this case upon which
13 your verdict can be based does not come from Dardinski's
14 testimony. When Mr. Reddington stands up before you and tells
15 you that the defendant, umpteen times, says that he didn't want
16 to be involved in laundering Ronnie Dardinski's money and that
17 Dardinski kept pushing bags of money on him, ask yourselves:
18 If the defendant didn't want to be involved with money
19 laundering and if the defendant wasn't representing Dardinski,
20 because he knows the defendant had no cases pending, then why
21 all the calls between the two? Why all the meetings? What was
22 this all about? If it's not a mortgage, which we know it's not
23 because Dardinski owns no property, there's no mortgage
24 application, and it's not a loan because there's no paperwork,
25 and Ronnie Dardinski has done no work for the defendant, then

1 what was this other than money laundering? Who talks that way
2 to both Ronnie Dardinski and his coconspirator, Hansen? What
3 lawyer conducts legitimate business this way? Does a
4 legitimate attorney hold business meetings inside of cars and
5 in parking lots? Does a legitimate attorney have someone other
6 than a client sign a retainer agreement? Remember, Dardinski
7 signed that retainer agreement for the undercover.

8 How else do you know that the defendant was willing to
9 launder Dardinski's money, the drug money? Because all of the
10:08 10 conversations between the two, long after Dardinski has told
11 the defendant again he's got drug money to launder, he's
12 willing to do it again. He's going to find someone else. He's
13 spoken to two other people who are going to do it. He's got
14 someone who maybe can do the whole thing. Now we've come full
15 circle.

16 How do you know the defendant was involved in this
17 money laundering conspiracy from the beginning? I'd ask you
18 now to turn -- I'm not going to ask you to turn to the
19 transcript, actually. I'm going to show you one of the videos
10:09 20 that we've already played, and I want you to watch it for
21 yourself. With your Honor's permission, I'd ask to play the
22 video.

23 THE COURT: Yes.

24 (Videotape played.)

25 MS. KAPLAN: You just watched the video. The

1 defendant doesn't say, No, I can't take that. I'm not going to
2 be -- have any part in this. I'm not going to be involved. He
3 isn't outraged by the offer. He doesn't say, You laundered
4 drug money? I can't have anything to do with it. That's
5 illegal. I can't take any money from you. He takes that
6 money.

7 Let's talk about the \$25,000 that the undercover agent
8 gave to the defendant on March 4 of 2011. In the end, what the
9 defendant did with the undercover was also very simple. He
10:15 10 agreed to pay Dardinski 10 percent for referring him clients.
11 Not a crime, but you've heard that it is against the ethical
12 rules for attorneys to share fees with third parties. And the
13 defendant believed that that \$25,000 in cash that he took from
14 the undercover agent was from drug trafficking. That's also
15 not a crime.

16 The crime here is what he did after he took that
17 \$25,000, which brings us to Counts 4 and 5. These are the
18 counts for the laundering of the undercover agent's \$25,000 in
19 cash, which have been represented to be drug money. The
20 defendant conducted a financial transaction. He deposited the
21 money into his Bank of America account with the intent to avoid
22 a transaction reporting requirement under federal law. That
23 was the breaking down of the \$25,000 into the two deposits
24 under \$10,000 on that very same day, within 11 minutes of each
25 other, a half a mile apart, at different branches of the same

1 bank.

2 First, it's clear that the defendant did this to
3 conceal the source of the money from drugs? How do you know
4 that? Because he broke it down. And he split it into amounts
5 under \$10,000, first 9,000 and then 8,000. No, he doesn't go
6 to Citizens Bank, like the defendant showed you on their chart.
7 He doesn't go to Citizens Bank, members of the jury. And the
8 reason is this: This check that the defendant wrote to the
9 Commonwealth of Massachusetts to pay his taxes, as you can see,
10:17 10 the date on this check is March 2 of 2011, in the amount of
11 \$16,557.57. Two days before, the defendant gets the \$25,000,
12 same account. That's why he's got to go to the Bank of America
13 and can't go to any other bank, because he needs the money to
14 cover this check.

15 And you know that from the financial analysis that was
16 done, that showed that on March 2 of 2011, there was a balance
17 in that account of \$40.42. The next day, there had been some
18 money put in. There was a balance of \$122. So prior to the
19 defendant taking that \$25,000, there is \$122,000 -- \$122.82 in
10:18 20 that account that the defendant has already written this check
21 for almost \$17,000 to the IRS. That's why he's got to get that
22 money in the account. That's why he keeps bugging Dardinski on
23 the phone. It's got to happen. We've got to meet.

24 Who does this, members of the jury? Someone
25 attempting to conceal the source of the funds, as you heard

1 from IRS Agent Talbot, to avoid the reporting requirement, the
2 bank's filing of the CTR. Because why else break it down? Why
3 else go to two different branches of the same bank? Why? To
4 protect his incorruptibility, which really means his being
5 caught.

6 How do you know that he knew there was a reporting
7 requirement for amounts transacted over \$10,000? First, the
8 defendant is a 30-year member of the bar and has held himself
9 out as being experienced in handling money laundering cases.
10:19 10 Second, because you know from the stipulation that's in
11 evidence that the defendant sat through two money laundering
12 cases in this very courthouse where he represented individuals
13 charged with money laundering. He heard the judge's
14 instructions on the law about this issue just about two years
15 prior to this investigation and during the time that this
16 investigation was going on.

17 Finally, with respect to Count 7, which is the
18 structuring count, that's for the same breakdown of this money.
19 And there, you don't need the representation that the money
10:19 20 came from drugs. You just need that the money was broken down
21 into amounts under \$10,000.

22 You also heard that the bank did file a CTR. And
23 you'll hear from the judge that attempting to cause the bank to
24 fail to file is also structuring. That's exactly what the
25 defendant was charged with here. It doesn't matter that the

1 bank actually caught the fact that the defendant had structured
2 and they filed the CTR. What matters is that his intent was to
3 avoid the bank from doing that.

4 Finally, this check for \$2,500, members of the jury,
5 this is the check that the defendant wrote to Ronald Dardinski
6 as his fee for having sent him this drug-dealing client. You
7 heard the numerous conversations between the defendant and
8 Dardinski where the defendant promised Dardinski a cut of the
9 money he would receive from the drug-dealing client, and he was
10:20 10 simply making good on this promise.

11 We know that this \$2,500 came from the same bank
12 account, the Bank of America that we've been talking about.
13 You know that that account, on March 3 -- March 3rd, only had
14 \$120 in it. And you know that the defendant was not going to
15 pay Ronnie Dardinski unless the drug-dealing client had come up
16 with the \$25,000 retainer.

17 Certainly, there is enough evidence for you to infer
18 that that \$2,500 was from that same \$25,000. The defendant
19 writes "office disposal" in the memo section on the check as a
10:21 20 way to conceal the fact that the money came from drugs. You
21 heard from Dardinski, he did no work for the defendant. You
22 heard from Agent Tamuleviz that he spoke to Dardinski on a
23 daily basis, and Dardinski did no work for the defendant. The
24 defendant wrote "office disposal" for no other reason than to
25 conceal the fact that he had laundered drug money.

1 Now, look, you may not like Ronnie Dardinski, and you
2 may not like that the government used him as a witness, and
3 that is entirely understandable. But you have all taken an
4 oath in this case, which is to decide this case on the
5 evidence. The issue of the government's use of informants to
6 make cases is not for your consideration.

7 The issue of whether the government improperly induced
8 the defendant to commit these crimes is ludicrous. This
9 defendant orchestrated this scheme before Dardinski was even
10:22 10 signed up as a cooperating witness with the DEA. There's no
11 entrapment if there's no government agent.

12 This case is not about Ronnie Dardinski, as much as
13 the defendant tried to make it about him, because almost
14 everything that Dardinski has said was corroborated by the
15 tapes. This is a tape case, and one thing that Ronnie
16 Dardinski could not control once the tape was rolling is the
17 words that came out of this defendant's mouth.

18 This case is about the defendant, a man who you heard
19 owed almost one half a million dollars to the IRS, had bounced
20 35 checks in amounts over \$120,000, had two mortgages, and was
21 living well above his means. This case is about the defendant,
22 who was corrupted by no one else but his own greed.

23 I would simply ask you to do your job, which is decide
24 this case on the evidence. The evidence is the documents, the
25 tapes, and the defendant's own words. If you do that, it will

1 lead you to the inescapable conclusion that the defendant is
2 guilty of the crimes charged.

3 THE COURT: All right. Mr. Reddington, for the
4 defendant.

5 MR. REDDINGTON: Yes, your Honor. Thank you.

6 May I do a little housekeeping, your Honor?

7 THE COURT: Yes, you may, of course.

8 MR. REDDINGTON: Thank you. If I use the boards, your
9 Honor, would it be okay if I just kind of hold them a little
10:24 10 bit rather than use this contraption?

11 THE COURT: Yes, you may.

12 MR. REDDINGTON: Thank you.

13 Jurors, you know, one of the things that is pretty
14 apparent, when you're summonsed from all over the state to come
15 to the federal court or a state court and sit as a juror on a
16 case, I mean, to be honest about it, many people walk in the
17 courthouse. They're hoping they don't get picked, get the day
18 off, go back about your life.

19 But one thing that I would suggest to you is amazing
10:25 20 about the system of justice that we have is that jurors --
21 sure, you give up your life for two weeks. You're not at work.
22 You don't see your friends. You don't really have much
23 interaction with your family. You're in a position where you
24 sit in a courtroom. You can't say anything, which must be
25 frustrating. You listen. And that's the whole idea, because

1 you, as a jury -- in the state court, they use language that
2 goes back to Old England, something to the effect of: You pass
3 between the defendant and his country, the defendant and the
4 government, and he places himself on his country, which country
5 you are.

6 And basically what that means is that, as jurors, you
7 owe allegiance to nothing but your solemn oath that you took.
8 His Honor will instruct you, as he did in the beginning of the
9 case, that, as jurors, I suggest it's one of the most enriching
10:26 10 experiences that you may have in your life. Incredible
11 interaction with each other, you form one unit.

12 Through the foreperson, you'll speak your verdict.
13 And your verdict is whether or not the government has proven
14 each and every element of these charges to you beyond a
15 reasonable doubt. It's not a matter of speculation. It's not
16 a matter of supposition. It's not a matter of throw stuff
17 around the room and hope that it sticks to the wall. It's a
18 matter of taking the Indictments -- and by the way, we embrace
19 the evidence, the disk. We embrace that. That's why you have
20 the transcripts.

21 And when you go in the back room there and you're
22 deliberating this case, you go right through those transcripts
23 and you ask yourself: Is this a man who truly is involved in
24 money laundering and criminal activity? Or is this a man,
25 quite frankly, and we all know it, who was set up? By who? By

1 the Tamuleviz/Dardinski team. How do you know this? Well,
2 jurors have the opportunity to look right into the eyes of a
3 witness, and that person is on that witness stand directly
4 across from you so that you're able to look and see, what they
5 say, does it have the ring of truth? Are they reacting in a
6 particular fashion? Does it appear as though they're being
7 upfront, honest, communicating to you?

8 Counsel suggests to you that Ronnie Dardinski -- was
9 he forthright? Ronnie Dardinski, on that witness stand, was
10:27 10 just a meek guy that just wanted to hang out with the kids.
11 He's just going to answer those questions and go yes, no, yes.
12 You don't think that he hasn't been worked over? Do not get
13 mad. Do not let Goldstein get under your skin. Do not let him
14 trip you up. Just answer the questions yes, no. You know
15 that.

16 Do you think for one minute that good guy Dardinski
17 just wants to hang with the kids when he's out there carrying a
18 gun and he's in a room, or he's with some poor trembling person
19 who's getting their arm broken because they owe somebody else
10:28 20 money? And he did it over 50 to 100 times.

21 Not to mention the number of children by the different
22 women. Of course, the women lie. He never would assault that
23 woman. He didn't strangle her and slam her up against the
24 wall. Counsel asked him: Did you do that, Ronnie? I like the
25 "Ronnie." Did you do that, Ronnie? No, I didn't. Fine.

1 We'll believe you, Ronnie. As Mr. Goldstein brought out on
2 many occasions, Well, we have to take your word for it, don't
3 we?

4 Now, how do you know that this is a setup? Well, can
5 you imagine the odds? What are the odds that the same
6 individual, Ronnie Dardinski, in 2004, is working with the same
7 U.S. Attorney's Office in this building and they want to have a
8 consensual wire again so that Ronnie Dardinski can record the
9 conversations that he's having with poor, hapless Bob George,
10:29 10 who thinks he's his friend. He knows he's his client. And
11 Dardinski says, Well, he was trying to shake me down for a
12 hundred grand. Do you believe that? You truly believe that?

13 You saw, you heard, the cross-examination of Mr.
14 Dardinski. You heard and have seen the evidence as it relates
15 to why was Bob George there? What do you think? Does he just
16 wander into Concord State Prison and says to a guy, Hey, Bro,
17 you're a suspect in two murders, you and another guy that I
18 don't even know, who's your roommate, and I need a hundred
19 grand, okay? That's a shakedown? Ludicrous.

10:29 20 He was contacted by Dardinski the inference is, I
21 suggest. He went up to see Dardinski because Dardinski gives
22 him the name of his roommate. How else does he know the name
23 of the roommate? Why does he bring a retainer agreement with
24 him? Why does he write it up? Is he trying to do the right
25 thing as far as the Board of Bar Overseers and rules dealing

1 with lawyers signing up clients? Retainer agreements? He puts
2 both names on there. If it was just a simple shakedown by
3 Dardinski for a hundred grand, which is ludicrous. The guy's
4 in jail. He's going to give him a hundred grand? Oh, sure.
5 Let me send you a check. Why would he put the other guy's name
6 down there?

7 But Dardinski reaches out to the U.S. Attorney's
8 Office. And then what happens then? The same U.S. Attorney's
9 Office wants to bug him, wants to set up meetings, wants to set
10:30 10 up wires, and they want to record Bob George back in 2004.

11 Why? Why? You have to ask yourself. Here's a prosecution of
12 -- how many times do we have to hear "30-year criminal defense
13 attorney"? Or Tamuleviz's reports: "high-profile, criminal
14 defense attorney," when he writes up his request? How
15 repulsive. How repugnant. This is our government at work. To
16 take down one man, ruin his life, ruin his life and his family.

17 What do they do? They submit their request for money.
18 Money. Talk about grubby. Money. And what do they ask for?
19 We've got two goals here, and they refer to it, interestingly
20 enough. Doesn't Tamuleviz refer to it as "the scheme"? You
21 want to talk about a scheme? I got news for you. The scheme
22 comes right back there with Tamuleviz. That's where the scheme
23 comes from. You want to talk about getting in bed with
24 somebody? Tamuleviz gets in bed with Dardinski. You sleep
25 with dogs, you get fleas.

1 Now, you think about this. Here's Tamulevitz. He puts
2 in a request for money. You got Dardinski talking about, Well,
3 it's going to take awhile. Remember the question from the
4 prosecutor? Why is it that it went so long before he got the
5 money? DEA couldn't get the funds. DEA was trying to track
6 the funds and get the funds. DEA couldn't find the funds.

7 So what happens? We, again, the defense side, we get
8 access to records that show that in addition to the scheme of
9 the United States of America to take down Bob George, prominent
10:32 10 criminal defense attorney, because he's a greedy guy, according
11 to the government's theory, the scheme is to indict Bob George
12 and commence disbarment proceedings against him. Way to go,
13 Mr. Tamulevitz. And when do they put in that request, jurors?
14 November of 2009.

15 You put that in context with the initial time frame of
16 Dardinski getting out of jail, the prison on Martha's Vineyard,
17 which is a joke. And why was he in the prison on Martha's
18 Vineyard? The little white house next to the Mobile station?
19 Because Monica was in fear. Now, remember the big pump and the
10:33 20 hype that they had? Oh, Monica didn't know that he was
21 involved. Monica didn't know he was a cooperator. Monica
22 didn't even know, had no contact or knowledge whatsoever with
23 Tamulevitz. Monica is just the worried girlfriend trying to see
24 her guy who's in the little house on Martha's Vineyard.

25 Well, just like the records that were able to show the

1 scheme to take down Bob George, have him disbarred and
2 indicted, we also, thankfully, summoned the jail tapes. Now,
3 that tells you a lot. You think about this. If we did not
4 have those jail tapes, what kind of lies do you think would
5 have been the foundation upon which the government would argue
6 its case this morning? But we did have the jail tapes. What
7 did they reveal? Lies.

8 First of all, Dardinski, I think it's pretty apparent,
9 agrees that he's a Master of Illusion. He's better than a
10:34 10 Master of Illusion. He is the Prince of Darkness. He is the
11 Lord of Lies. He is the absolute Lord of Lies. This guy
12 wouldn't know the truth if it fell on him. He lies faster than
13 a horse can trot. You know what? It doesn't matter. It
14 doesn't matter that Dardinski is a liar because, of course, the
15 government wants to distance themselves from Dardinski as best
16 they can.

17 This case stands on something. You want to talk about
18 reasonable doubt? Is there one of you -- and people oftentimes
19 say to a jury, You don't check your common sense at the door
10:34 20 when you walk through the metal detector. You bring your life
21 experience, people you know, jobs you've had, your family. You
22 all come together. You've got all given experiences in life.
23 You come together with that common sense.

24 Here's a guy who testifies on direct examination that
25 he had no problem with Bobby. Bobby George, oh, I knew him.

1 And, you know, I got out of jail. Hard time down in the mean
2 streets of the Vineyard. I'm at the Braintree Mall. I'm with
3 Monica. Remember that? He doesn't mention Monica by name. He
4 says, I'm with my girlfriend and the kids. We went to
5 McDonald's, being the good dad that he is. And then they go
6 upstairs, and he's going to have a cup of coffee. And lo and
7 behold, there's Bob George, his good buddy, his former lawyer.
8 Bob says, Brother, what's up? How you doing? You still got
9 money that I can help launder for you? Does that make sense?

10:35 10 And then you put it in context. Put it in context
11 with the fact that we then, Mr. Goldstein, what I would refer
12 to as surgical amputation of his entire heart of his testimony,
13 totally eviscerated him. And you caught the Lord of Lies on
14 the witness stand and he was flummoxed. Do you remember his
15 reaction? And he started -- he got a little shook. Then he
16 kind of got cool then. He didn't know we had the tapes,
17 though. When you listen to those tapes, it was chilling. Why
18 was it chilling? Because Monica: Call Joe T; call Joe T; call
19 Joe T, constantly. Doesn't know who he is. Doesn't know that
10:36 20 he's a DEA agent. But, yet, he's apparently not a used car
21 salesman because obviously the guy's got some fire power. He
22 can get him transferred from Concord State Prison down to the
23 little house down on the Vineyard. Why? Because she was in
24 fear. Why? Because he was an agent. He was cooperating.
25 What does that tell you about credibility? He's a liar.

1 So then he's on the phone. He contacts and speaks to
2 Tamuleviz. What does he say to Tamuleviz? Hey, I got a
3 problem. You always got a problem. Okay. Well, you know,
4 what I have to do is find out if I'm being investigated, if
5 there's any charges pending. What are they? You've got that
6 nice motorcycle with the good paint job that you had. No, it's
7 another motorcycle that I had. Well, who is it involving?
8 West Bridgewater, East Bridgewater Police. Oh, that's no
9 problem. I can take care of that. I can take care of that. I
10:37 10 know guys over there. What does Tamuleviz says on the witness
11 stand? Totally denies that until we have the tape.

12 So now you've got the conversations on the tape
13 between Monica and Dardinski where -- you know, not just your
14 basic, which you can understand, When are you coming home? I
15 miss you. That type of thing. Anything about Bobby? What
16 about the money? What about the money? What about the money,
17 money, money, money, money, money that he owes me? And
18 I want that money, and I'm going to stove his head in. I'm
19 going to stomp his head in. Is that pillow talk? Give me a
20 break. Does it show hatred? Does it show anger? Does it --
21 in addition to laying on five years after he's in Concord State
22 Prison with the same U.S. Attorney's Office that wants to bug
23 him. Setup? Okay.

24 So here's a guy who we all know by the evidence has
25 been calling repeatedly, relentlessly, relentlessly calling,

1 calling, calling, calling, calling his office, chasing him,
2 calling his cell phone, calling him. He doesn't talk to him.
3 You think Bob George wants to talk to Ronnie D? Do you think
4 for one minute that Bob George doesn't know that Ronnie's
5 looking for him?

6 So now you put that in context with the meeting at the
7 Braintree Mall, which is the foundation, using the term
8 loosely, upon which this case is built. Is there one of you,
9 with the evidence you have in front of you, that truly believes
10:38 10 that Bob George saw Ronnie Dardinski and said, Hey, Ronnie, how
11 you doing? And Ronnie buys him a cup of coffee? Never
12 happened. Total lie. Total fabrication. Total setup.

13 And then what happens is he goes to Tamuleviz. And
14 isn't this frightening as an American citizen? He goes to
15 Tamuleviz, who's got all the power and the authority of the
16 Drug Enforcement Administration. What does Tamuleviz do?
17 Well, this is my man, Ron. Obviously, they know each other for
18 quite some time, apparently, huh? Because we have the jail
19 tape. This is my man, Ron. I'm going to go commence an
20 investigation after a couple of weeks. So he writes up his
21 paperwork, commences an investigation, has a consensual wire,
22 consensual wire of Mr. Dardinski.

23 And this is where -- you know, you've got the
24 transcripts. You've got the tapes. You've got the videos.
25 And you can sit there as long as you as a jury feel is

1 appropriate, and you can consider the evidence, the evidence.
2 And you draw your inferences from the evidence. But a couple
3 of things that are important here, I would suggest to you.
4 First of all, when you consider the tapes, think about the time
5 frame where Dardinski has access to a recorded phone, 90 days.
6 And then he tries to spin it, Well, I didn't call him that
7 often on that phone because he wouldn't pick up. What are you
8 talking about didn't want to pick up? Dardinski didn't want to
9 use the recorded phone. That's why. Dardinski says, Well,
10:40 10 they made sure they knew exactly what I was doing.

11 And apparently Tamuleviz was really handling him quite
12 well because we know from the evidence and the telephone
13 records the number of times Dardinski called and called.
14 You'll have the exhibit. You'll have the exhibit to see the
15 number of times that Dardinski called Tamuleviz, the number of
16 times Dardinski called Bob George. You will be able to
17 determine, through the number of times that these telephone
18 calls were made, for example -- and, again, these are -- you'll
19 have the evidence in the room here. March 18th -- I apologize,
10:41 20 your Honor. March 18, 2009, George rejects Dardinski. This is
21 a conversation the U.S. Attorney was talking about. This is
22 when Dardinski says, after talking about money to Mr. George
23 inferentially because he's made a bunch of phone calls. This
24 is Dardinski, if you recall, who says that he has a business.
25 He had what? 90 trucks that he sold. He had accounts. One

1 account was a million dollars that he had, his used car
2 business, his repossession business. He had to hide his money.
3 It was all legitimate money, all legitimate money he was
4 talking about. And he had to hide it. Why did he have to hide
5 it? The U.S. attorney says because he knew it was drug money.

6 Do you remember the conversations, constant
7 conversations, between Dardinski, the records that show he was
8 concerned about what? Child support. He owed over a hundred
9 thousand dollars in child support. He was concerned about
10:42 10 Probation. I can't show that I've got cash. If I walk into a
11 courthouse and dump 20 grand down, I'm in big trouble. He had
12 to use money, hide his money. Where is the evidence of drugs?
13 There is no evidence of drugs.

14 Does he put him in touch with Hansen? Sure, he does.
15 He's known Hansen for years. They grew up together as kids.
16 What happens in the relationship with Bob George and Michael
17 Hansen? Obviously, it falls apart. But it is readily apparent
18 that Michael Hansen was a guy that Bob George was able to use
19 to rewrite his mortgages, bring clients through to get a
20 mortgage. If somebody wanted to hire him, if they didn't have
21 the money, bring them to the bank.

22 Michael Hansen was not only a good friend of Bob
23 George, but he was a good source of an ability to finance his
24 business, through clients, legitimate, paperwork, documents,
25 have Michael Hansen give these people the money or rewrite his

1 mortgage because, as we all know, greedy Bob George, based upon
2 the government's investigation in this case -- again, scary.
3 The summonses that they submit, the records that they obtained,
4 shows you that Bob George -- and you've got the evidence --
5 married guy, 30 years. He doesn't cheat on his wife because
6 he's afraid, but, nevertheless.

7 This is a guy that doesn't know he's being recorded.
8 He's making statements about his background, his business, and
9 talking all the time. There's no discussion of drugs. Where
10:43 10 is the discussion of drug money? There is none. Can you
11 imagine? If I was going to bug you and sit in a car with you
12 and the goal -- remember, that was the word, the "goal" -- and
13 the scheme and the plan was to launder money, money laundering
14 for what? Drugs. Why wouldn't you sit there and say, Okay,
15 look, I've got a hundred thousand dollars in the bag I got from
16 the guy up in Worcester, the drug dealer. What are you going
17 to do with it? What can you do with it? Bobby, I got drug
18 money here, Bobby. This is the same guy that they're telling
19 you, in the Braintree Mall, goes up and embraces his buddy,
20 Dardinski. Can I help launder money for you? That is such
21 garbage, and you know it based on the jail tapes.

22 You look -- this is when George has the conversation
23 with Dardinski. And Dardinski says, Yeah, I got some other
24 money. I sold coke to a guy, and I gotta hide that money, too.
25 So by exclusion, that is proof right there that the first

1 discussion that they're having and the prior discussions --
2 because we don't know what was said in the conversation because
3 he chose to record or not record what he wanted to -- was
4 legitimate funds, legitimate funds. I've gotta hide that
5 money, too. Well, The fact is I don't want to know that stuff
6 because it's illegal. Ah, whatever. But when you see me, I
7 obviously can't help you with something like that.

8 The government never again mentions drug proceeds in
9 any conversations before April 15 of 2010. How many times does
10:45 10 a citizen have to say no to the Tamuleviz/Dardinski team? Here
11 you've got -- let me ask you something. December 7, 2009, Why
12 am I involved in this? Tell him to give me a call because I'm
13 not doing anything. I don't know why he wants me involved. I
14 am not getting involved. I'm not. I'm not involved in this.
15 You're one of my clients, but I don't -- personally, there's
16 nothing but trouble in it for me. I'm not getting involved.

17 Call him back. See if he picks up again. Tell him
18 what I said. There's no way I would get myself involved in
19 something where I'm not involved. Okay. Because I have
10:45 20 nothing to do with this. But what it does is it implicates me
21 in something I have nothing to do with. I'm not involved. I
22 can't do this kind of business. I don't run this kind of
23 business. I'm a friggin' lawyer. Where am I lending money,
24 making money for? I can't. I'm not doing that. Then you guys
25 tied up again on your own? Okay. What else is going on? I

1 don't want to talk about that anymore. My God, how many times
2 do you have to say, Look, leave me alone? Leave me out of it.
3 I don't want any part of it.

4 More importantly, the other conversations, how many
5 times does he say -- again, being recorded, not knowing he's
6 being recorded. Did you really do a deal with that guy? Did
7 you really? How many times? This is to Dardinski. Once?
8 Twice? Twice. What did he get from you? 20,000 each. 40,000
9 bucks? He took you for 40,000 bucks? He's asking about it.
10:46 10 He doesn't know about it.

11 Opening statement, Mr. Hafer stood in front of you and
12 said, Jurors, this is a scheme that was hatched and
13 orchestrated by Mr. George, who relentlessly pursued Mr.
14 Dardinski to put him together with Mr. Hansen to launder this
15 money. Through cross-examination, you could see, Mr. Dardinski
16 was relentless in his pursuit of him. One of the most poignant
17 questions that was asked by Mr. Goldstein is when he said to
18 Mr. Dardinski, Isn't it fair to say, sir, when we look at these
19 telephone logs and these telephone records and the number of
10:47 20 times you relentlessly called and called and called and called
21 and called, that this human being would not ever have talked to
22 you again if you did not keep calling him? And he had to
23 agree.

24 So you sit there as jurors, and you look at the
25 transcripts. This is about the almost laughable argument that,

1 well, Bob George wanted to have Dardinski threaten Hansen
2 because he wanted his cut. You know, you can always put a spin
3 on words. But when you're talking about proof beyond a
4 reasonable doubt in a criminal trial, you've got to have
5 evidence. You can draw an inference, but look at the evidence.

6 Here you've got a situation where the government would
7 have you believe that this is a threat to get money. If this
8 guy thinks he has some kind of exposure or something happened,
9 it's something that you're an expert at, the Lord of Lies, the
10:48 10 Master of Illusion. It's something you're an expert at. If he
11 thinks you're some kind of exposure for him as a result of what
12 he's done with you, only Bob George can solve it for him. I'm
13 not shaking him down. I don't want you to threaten him.
14 That's not what I'm talking about. Dardinski: Do you want me
15 to scare him so he comes back to you for law advice? Or do you
16 want him -- that's all. That's all. That's all. That's all.
17 In his voice that he's got. Do not threaten him. Do not tell
18 him it's about money. He goes on and on and on.

19 And then you can see when you heard the tape, when he
10:48 20 meets up with Hansen after they're finally brought together,
21 here's the Tamuleviz/Dardinski team that turns around, takes a
22 guy who's been friends with a guy since they were little. You
23 look at the records. You can see the telephone calls that
24 don't happen. You can see the meals that they would have
25 shared. You can see the beers they would have consumed. You

1 can see the meetings that they would have had. They don't
2 happen.

3 For over a year, all which time Dardinski is dealing
4 with Hansen and Hansen is dealing with Dardinski, telephone
5 calls back and forth and back and forth. Bob George has got
6 nothing whatsoever to do with this. The government would have
7 you believe he's orchestrating? Would have you believe that he
8 was involved? That have you believe that now he wants to shake
9 down this guy for money?

10:49 10 You look at the evidence. He is a sensitive guy who
11 missed his friend, who truly, truly, truly wanted to reconnect
12 with him. And the government takes that, the Tamuleviz team,
13 and they twist that, and they use that to get to Bob George.
14 That's what they did. And what happens? And how do you know
15 that? Because all he cares about -- on that video and in the
16 transcripts you'll see, all he cares about is, I'm so glad,
17 buddy, we're back. It took a heart attack. It took a stent
18 operation. I'm so glad we're back. Okay, okay, bye.

19 You saw that video clip. If the government didn't
10:50 20 play that video clip, I would have played the video clip for
21 you, where he's hitching up his pants and he's talking.
22 Whatever you want to give me, whatever you want to give me. He
23 knows that Hansen had done business. How does he know?
24 Because he was told. You can see it right there and in the
25 prior conversations. Did you? Yeah. Swear on your kids.

1 Swear on your kids. Are you kidding me? How much did you get?
2 40 grand. Does he say in any one of those tapes, Hey, you owe
3 me 20 grand, brother? Don't forget. Does he say, Where is my
4 cut? Does he call him up? Does he go to his business? Does
5 he go to his place? No, nothing, no contact. They're not
6 talking. They were like, as Mr. Goldstein said, two school
7 kids fighting with each other.

8 So what happens when the government braces Mr. Hansen,
9 the government gets Mr. Hansen to wear a body wire and deal
10:50 10 with his long-standing friend and sit down and try to have him
11 have money, try to get the money into his hands. What else is
12 the money that it's a theme throughout this whole case? When
13 Dardinski testified -- again, the Lord of Lies. When he
14 testified, he was asked pointedly, Didn't you have a hundred
15 grand in cash? That Bob George would not show up for meetings?
16 And why aren't there recordings? Why aren't there
17 conversations saying, Bobby, Bobby, I got a hundred grand in
18 cash? I want to give it to you, brother. Come on. I got it
19 from the drug dealer. No. He doesn't show up for one meeting.

10:51 20 How many times does a citizen have to say no and step
21 back from Dardinski and Tamuleviz? And, yet, they authorize an
22 additional hundred grand, up to 300,000. What do they do?
23 They put it in a bag, and he does not show. As Mr. Goldstein
24 said, How many times do you have to thrust money, virtually
25 thrust money? If he's the guy in the fictitious meeting in the

1 Braintree Mall that said, Hey, you know, I want to help launder
2 your money, don't you think he would have been there
3 lickety-split right in the parking lot? Give me the bag.
4 Woo-hoo. He doesn't show.

5 But, more importantly, Dardinski claims it never
6 happened. You know it did. How do you know it did? Because
7 we have the tape that shows the conversation. Give me the bag.
8 What bag? He's really kind of funny, isn't he? Calice, can we
9 shoot him now? You know he had the bag. He's a liar.

10:52 10 As the case goes on, he says to Dardinski, Look, you
11 know, the only thing you can do for me is get me clients. All
12 you can do is get me clients. So what does he do? He sits in
13 a lawful meeting with the guy who portrayed himself pretty
14 effectively. I think he almost looked like he was undercover
15 on the witness stand. Sat with him in an open place, basically
16 indicates that he's charging him a fee and he brings a retainer
17 agreement. Who cares Dardinski signs it? What does that have
18 to do with anything? He asked the guy. You can hear it on the
19 tape. Legitimately. Can you sign this? Give me your name.
10:52 20 I'll give you my name. What's your address? I don't want to
21 give you my address. He goes through the whole thing.
22 Dardinski, will you sign it? Boy, there's authority, I guess,
23 to have Dardinski sign a fee agreement. But who cares? The
24 bottom line is he brought it with him, and he sat with the man,
25 and he took the money. There's nothing illegal about that.

1 That's what lawyers do. Whether it's people don't like it,
2 whether they like it, that's perfectly legal. There's no crime
3 there.

4 And then the deal with the referral fee? It's a Board
5 of Bar Overseers stuff. You're not supposed to give referral
6 fees to people that are not lawyers. Simple as that. Office
7 disposal? You know darn right well that he cannot be kicking
8 back a legal fee, a percentage, to Dardinski. But did he
9 believe that he owed Dardinski a 10 percent referral fee? You
10:53 10 bet. He certainly did. Was he, as the government said, a guy
11 that got the deal done? Yeah, he did. He got it done. He
12 gave the guy a check for 2,500 bucks.

13 When you think about the connection, when you think
14 about evidence and the government proving to you as a jury that
15 that money came from an illegal source on that check for the
16 2,500, or even better, the money that was given from Mr. Hansen
17 and the government contends -- strike that. I apologize. The
18 money that was given from the drug dealer, alleged drug dealer,
19 that the government alleges he then structures by depositing in
10:54 20 Bank of America, two branches, you know, when you look at the
21 exhibit that's the overhead photograph, you can see -- excuse
22 me, your Honor. You can see that this is Needham. Here's the
23 Bank of America here, Chestnut Street. You go down here, like
24 going down to pick up a cup of coffee. On the left is the
25 Needham Bank. Right next to that is Citizens Bank. He had

1 accounts in both. Bank of America again.

2 Now, what's the import of that? The import of that is
3 this: If you go to a bank and you open up a savings account,
4 if you want to get the beach towels or whatever the gimmicks
5 are they're giving you, and you open up an account in one bank.
6 Then you go down the street and you want to get another
7 gimmick, another beach towel, you know they're going to say,
8 Oh, you already opened up an account ten minutes ago. We only
9 give you one. Don't you think an attorney, 30 years at the
10:55 10 bar, big-time prominent, big shot, criminal defense lawyer,
11 defends people on money laundering, sits there and listen to
12 judges give instructions in trials in this very building --
13 it's on the internet. You heard the testimony from Mr. Talbot.
14 Remember Mr. Talbot way back? He's the IRS guy that testified
15 in another trial, that testified you didn't need -- in the
16 other trial, the trial attorney knew about the structuring and
17 it's all, at the end of the day, the aggregation. That it was
18 on the internet, when you get the forms, it's on the internet.

19 You don't think Bob George doesn't know or didn't know
10:55 20 that if he makes a deposit into the same bank that they're
21 going to aggregate at the end of the day? Of course, they are.
22 Does this strike you as trying to avoid a reporting
23 requirement? If he wanted to do that, you take five grand, and
24 you put it in Bank of America. And then you just go across the
25 street on your way to get a cup of Starbucks, and you walk into

1 the Needham Bank and you put six grand in.

2 And the government's suggestion to you, that, oh, no,
3 it had to go into Bank of America because he had to cover that
4 check, are you kidding me? You think about this. You want to
5 do a wire transfer? Maybe the next day. Go to the bank,
6 Citizens Bank, the next day. Say, I want to withdraw five
7 grand that I just put in yesterday. Okay. Then you go to Bank
8 of America. Bingo. No problem. That is ludicrous. It's a
9 charge that the government, targeting Bob George, knows that,
10:56 10 okay, this will work to disbar him; this will work to convict
11 him. We can get him on structuring if we can't get him on the
12 rest of the foolishness.

13 Now, when you go back into that jury room and you
14 consider the time lines, you consider the relevant dates, you
15 consider the lack of contact, and scrutinize those transcripts,
16 and then see where there is evidence that Bob George was
17 involved in a conspiracy or that Bob George was involved in
18 laundering money. Did you really get money? Really? Swear on
19 your kids. Tell me how much. How many times does he say, I
20 don't have any part of this? He's like Jon Lovitz, the guy on
21 Saturday Night Live that used to do the devil. Yeah, that's
22 the ticket. I had nothing to do with it. All I want to do is
23 get back with you. I want my friend back. Thank you. Hugs,
24 kisses. I want my friend back.

25 Greedy Bob George, his lifestyle. Oh, yeah. What?

1 Do you have yachts? Was he running off, going all over the
2 world? Was he gambling money? No. He was paying his kids'
3 tuition and supporting his family and working damn hard to be a
4 respected member of the Bar of Massachusetts. The United
5 States of America vs. Bob George is a travesty. Thank you.

6 THE COURT: Mr. Hafer, rebuttal.

7 MR. HAFER: Very brief, your Honor. Thank you.

8 Mr. Reddington just stood in front of you and told you
9 this case was a setup. A setup? Really? You just watched the
10:58 10 video. Smiling defendant, arms behind his back, laughing. A
11 setup? If it's a setup, how does it explain the first phone
12 call in the case on March 18, 2009, when he explains the deal
13 to Dardinski and Dardinski doesn't understand it? It's not a
14 setup.

15 Mr. Reddington just told you the first meeting at the
16 South Shore Plaza, that's the foundation of the case. They
17 might want it to be the foundation of the case. It's not the
18 foundation of the case. The foundation of the case is the
19 tapes. And that's, in fact, why Mr. Reddington talked about
10:58 20 other things. And he showed you this chart. He showed you
21 this chart from March 18, 2009. He told you, when he showed
22 you this chart, he said, The government never again mentions
23 drugs after this first meeting. But guess who did? He did.
24 That's not on this chart, that next phone call. And he's
25 already agreed to do the rest. Where is that? Not on the

1 chart. And that's because they want you to look at a lot of
2 things other than the evidence in this case. They want to talk
3 about retainer agreements from 2004. They want to talk about
4 DEA fund authorizations. It's because they don't want to talk
5 about the evidence in this case.

6 Similarly, Mr. Reddington just tried to explain those
7 structuring transactions to you. And the explanation is beach
8 towels? Beach towels? If you're not laundering money and you
9 have \$17,000 in cash, you know what you do with it? You put it
10:59 10 in at the same time. You don't drive to one bank, deposit
11 \$9,000. And then what? I guess what happens is you got in the
12 car. You started driving the half a mile to the other bank,
13 and you bumped into the door and you realized, Oh, shoot, I
14 have the other 8,000 in my other pocket. At this point I'm a
15 little closer to the second bank. Let me just go to the second
16 bank and put \$8,000 into the very same account 11 minutes
17 later. It doesn't make any sense. It makes no sense.

18 Mr. Reddington just told you, ladies and gentlemen,
19 that Special Agent Tamuleviz was in bed with Ronnie Dardinski.
11:00 20 I submit to you, if Special Agent Tamuleviz was in bed with
21 him, he was sleeping with him. You heard all the calls in this
22 case. This case isn't about, ladies and gentlemen, the
23 government taking Bob George down. It's about Bob George
24 taking Bob George down.

25 This is an important case, ladies and gentlemen. All

1 criminal cases are important. But while it's important, it is
2 not close. The evidence is overwhelming that the defendant
3 committed all the crimes he's charged with in the Indictment.
4 Thank you very much.

5 THE COURT: All right, jurors. We're going to take a
6 15-minute recess, and then I will give you my charge on the
7 law.

8 (Jury out at 11:00 a.m.)

9 THE COURT: We'll be in recess then for 15 minutes.

11:01 10 MR. GOLDSTEIN: Your Honor, at this point I would like
11 to register some objections. Perhaps at sidebar when you come
12 back will be fine.

13 THE COURT: You can do it now.

14 (SIDEBAR CONFERENCE AS FOLLOWS:

15 MR. GOLDSTEIN: First, before I register objections, I
16 would like to ask for an additional instruction when your Honor
17 instructs the jury regarding the transcripts, that it's still
18 the tapes that control. The reason I ask is that Miss Kaplan
19 was quoting some of the transcripts. Specifically, she quoted
11:02 20 a part where they talk about a \$2,900 fee. If you actually
21 listen to the tapes, at various places the tapes are different
22 than the transcripts, in my opinion, the government prepared.
23 That's not in material respects but in some respects.

24 In terms of objections, I'd object -- I think the
25 government misstated the evidence on several occasions during

1 its principle closing argument. Miss Kaplan, for instance,
2 said, All the money Dardinski has is criminal. And the
3 evidence was clear that Dardinski himself testified that he had
4 lots and lots of legitimately earned money that he did not want
5 to put into the bank. That testimony was elicited during
6 cross-examination.

7 I'd object to Miss Kaplan's repeated definitions of
8 legal concepts that I don't think were accurate. She tried to
9 define conspiracy, willful blindness, wire fraud. I think that
11:03 10 was it in terms of the legal instructions. I think she
11 misstated those legal instructions.

12 She also, I believe, misstated legal instructions with
13 regard -- regarding the aiding and abetting.

14 I also object to the government's playing of the
15 videotape, the portion of the videotape -- two portions, where
16 one is, they talk about the allegations that Mr. George was
17 using cocaine. And, you know, that's a piece that had been
18 taken out of the transcripts. I don't think -- I'm not saying
19 they played it intentionally. They should have been more
11:03 20 careful. The videotape they played, there's a clip in there
21 where they're talking about the allegations of Mr. George
22 having done cocaine. I think that was objectionable, your
23 Honor.

24 THE COURT: I didn't hear that. Maybe I missed that.

25 MR. GOLDSTEIN: No, no. It's clearly in the videotape

1 they played. There was a discussion regarding allegations that
2 Mr. George was consuming cocaine.

3 I also -- Miss Kaplan engaged in some personal
4 vouching, saying, We know this is not true; we know that is not
5 true. And those are my objections, your Honor.

6 THE COURT: You wish to respond, Miss Kaplan?

7 MS. KAPLAN: I'm sure your Honor will handle
8 appropriately the issue of the tapes that are the evidence and
9 their recollection of the testimony governs.

11:04 10 The video that was played is the video that's in
11 evidence. I didn't -- that's the video that's in evidence that
12 was played. I don't think there was anything else
13 objectionable.

14 THE COURT: Anything else?

15 MR. GOLDSTEIN: That's it, your Honor.

16 THE COURT: All right. Thank you. We'll be in
17 recess.

18 . . . END OF SIDEBAR CONFERENCE.)

19 (Recess taken at 11:05 a.m.)

11:30 20 THE COURT: Good morning, jurors, again. You have now
21 heard the evidence and the closing arguments in this case, and
22 it is now my duty to instruct you on the law that you must
23 follow and apply. In any jury trial, there are, in effect, two
24 judges. I'm one of the judges, and you, collectively, are the
25 other. It's my duty to preside over the trial and to determine

1 what testimony and evidence are relevant under the law for your
2 consideration. It's also my duty at the end of the trial to
3 instruct you on the law applicable to the case. You, as
4 jurors, are judges of the facts, but in determining what
5 actually happened in this case, that is, in reaching your
6 decision as to the facts, it is your sworn duty to follow the
7 law as I am about to define it for you. And when I have
8 finished, you will begin your discussions with one another,
9 which we call jury deliberations.

11:31 10 To help you understand and remember these instructions
11 on the law, I will divide them into three parts: first,
12 opening, general instructions intended to guide you throughout
13 your deliberations; second, instructions about the Indictment
14 and about the law that determines what the government has to
15 prove in this case; and third, some additional general
16 instructions about the procedures to follow during your
17 deliberations.

18 Now, these instructions are somewhat cumbersome, and I
19 ask you to pay very carefully attention. I need to read them
11:31 20 to you because I cannot commit to memory all of the law about
21 which I instruct you, but I will submit to you a written copy
22 of this charge when you go to the jury room. I want to caution
23 you right away, however, not to dwell on any one particular
24 portion of it, if you decide to refer to it at all, because you
25 must consider these instructions as a whole and not just one

1 individual instruction. So I ask you to do the best you can to
2 say with me.

3 All of my instructions are about the law you must
4 apply. I do not mean any of my instructions to be understood
5 by you as comment by me on the facts or the evidence in this
6 case.

7 The defendant is presumed to be innocent by law, and
8 this presumption stays with him throughout the trial and your
9 deliberations. The government has the burden of proving beyond
11:32 10 a reasonable doubt that the defendant is guilty as charged. It
11 is for you to decide whether, based upon the evidence before
12 you, the government has met its burden with respect to the
13 specific charge against the defendant. You are the judges of
14 the facts. And although the law allows a trial judge in this
15 court to comment on the evidence, I deliberately do not do so
16 and instead leave the fact-finding entirely in your hands. You
17 are the sole and exclusive judges of the facts.

18 Fortunately, you do not need to resolve every dispute
19 of fact raised by the evidence. In order to know which fact
11:33 20 disputes are important, you need to know what rules of law to
21 apply. I've explained some of those rules to you during the
22 course of the trial, and I will explain others to you now. The
23 lawyers were allowed to comment during their arguments on some
24 of these rules of law, but if what they said about the law
25 differs in any way from my instructions, you must be guided

1 only by the instructions on the law as I state them.

2 You must follow all of the rules as I explain them to
3 you. A single sentence or statement might not refer to an
4 exception or a qualification that I've stated elsewhere in
5 these instructions. So you must consider all of them together
6 as a unit.

7 And even if you disagree with one or more of the rules
8 of law or don't understand the reasons for them, you are bound
9 to follow them, nevertheless. This is a fundamental part of
11:33 10 our system of government by law rather than by the individual
11 views of the judge or the jurors who have the responsibility
12 for deciding a case. If I make any mistake on instructing you
13 on the law, fair and evenhanded application of the law to this
14 and other cases is, nevertheless, assured because any mistake I
15 make on the law can be corrected on appeal. In contrast, your
16 decision on disputed facts is final. That is, your findings on
17 material, disputed facts are not subject to appeal. You are
18 the final and exclusive judges of the facts.

19 Under your oath as jurors, you cannot allow
11:34 20 consideration of the punishment which may be imposed upon the
21 defendant, if convicted, to influence your verdict or to enter
22 into your deliberations in any way. In addition, you cannot
23 allow considerations of sympathy for the defendant or for the
24 government to influence your verdict or to enter into your
25 deliberations in any way. It would be improper for you to

1 allow any feelings you might have about the nature of the
2 alleged crime to interfere with your decision-making process.

3 You are not to be swayed by bias, prejudice, sympathy
4 or antagonism. You're not to consider any personal feelings
5 you may have about the profession, race, religion, natural
6 origin, sex or age of the defendant or of any witness who
7 testified during the trial. You are not to decide the case
8 based on what you've heard or read outside of this courtroom or
9 according to any guesswork or speculation. Rather, your
11:35 10 function is to find the facts fairly and impartial solely on
11 the basis of the evidence presented in this courtroom and in
12 accordance with my instructions. The evidence in the case
13 consists of all the exhibits received into evidence, all facts
14 that may have been admitted or stipulated, and all of the sworn
15 testimony of the witnesses.

16 Statements, questions, and arguments of counsel are
17 not evidence in the case. The Indictment itself is not
18 evidence. You may not consider any answer by a witness or any
19 exhibit that I ordered stricken from the record and told you to
11:36 20 disregard, and that includes any testimony related to a
21 specific exhibit, in this case, Exhibit 1C that was stricken.

22 From the facts proved, you may draw reasonable
23 inferences about additional facts. An inference is a deduction
24 or a conclusion. An inference is an additional finding that
25 your experience, reason, and common sense lead you to draw from

1 the facts that you find are proven by the evidence.

2 Two more phrases often used in discussions about
3 evidence received at trial are "direct evidence" and
4 "circumstantial evidence."

5 Testimony of a witness showing firsthand observation
6 of a fact by that witness is direct evidence. For example, the
7 testimony of an eyewitness just about what he or she saw is
8 direct evidence. If the witness is permitted to go beyond what
9 he or she saw and is permitted to state a conclusion, an
11:37 10 inference or an opinion, that part of the answer is not direct
11 evidence. Instead, it's a kind of circumstantial evidence.

12 Circumstantial evidence is proof of some facts,
13 including events and circumstances, on the basis of which the
14 jury may infer the existence or nonexistence of additional
15 facts. For example, let's suppose you've been in this
16 courtroom for a few hours and unable to look outside. A man
17 comes into the back of the courtroom wearing a wet raincoat and
18 carrying a dripping umbrella. You may draw the inference from
19 those circumstances that it is raining outside. That's what we
11:37 20 call circumstantial evidence, as opposed to direct evidence,
21 which would be the testimony of the man in the wet raincoat
22 taking the witness stand and telling you that it's raining
23 outside.

24 Direct and circumstantial evidence have equal standing
25 in the law. That is, with respect to the weight that -- what

1 weight shall be given to evidence before you, the law makes no
2 distinction between direct and circumstantial evidence. No
3 greater degree of certainty is required of circumstantial
4 evidence than of direct evidence. You are to consider all of
5 the evidence in the case and give each item of evidence the
6 weight you believe it deserves.

7 Any inference that you draw from the facts proved must
8 be a reasonable one and not merely conjecture or guesswork.
9 You might decide that you do not have a sufficient basis to
11:38 10 decide what inference to draw. It is for you, as judges of the
11 facts, to decide whether the evidence before you is or is not
12 sufficient for you to draw an inference. Ultimately, in
13 drawing inferences, you should use your common sense.

14 If any reference by the Court or by the lawyers to
15 matters of evidence is different from the way you remember the
16 evidence, let your collective memory control.

17 At times during the trial, you heard lawyers object to
18 questions asked by another lawyer and to answers by witnesses.
19 It is a proper function for lawyers to object. In objecting, a
11:39 20 lawyer is requesting that I make a decision on a question of
21 law. Do not draw from such objections or from my rulings on
22 them any inferences about facts. The objections and my rulings
23 related only to the legal questions that I had to determine.
24 They should not influence your thinking about the facts.

25 When I sustained an objection to a question, the

1 witness was not allowed to answer. Do not attempt to guess
2 what the answer might have been. And if you heard an answer to
3 a question before my ruling, you are to disregard it. In your
4 deliberations, you should not consider or talk about any
5 question to which I sustained an objection or any answer or
6 other statement that I excluded or struck or told you not to
7 consider.

8 Also, during the course of the trial, I may have made
9 comments to the lawyers or spoken to a witness concerning the
11:40 10 manner of his or her testifying. Do not assume from anything
11 that I may have said that I have any opinion concerning any of
12 the issues in this case. Except for my instructions to you on
13 the law, you should disregard anything that I have said during
14 the trial in arriving at your own findings as to the facts.

15 Now, at the beginning of the trial, I instructed you
16 about taking notes. I remind you that notes taken by any juror
17 are not evidence in the case and must not take precedence over
18 your independent recollection of the evidence received in the
19 case. Notes are only an aid to recollection and are not
11:40 20 entitled to any greater weight than actual recollection or the
21 impression of each juror as to what the evidence actually is.

22 You have heard and seen several conversations that
23 were recorded and/or videotaped. That is proper evidence for
24 you to consider. While you listened to the audio and watched
25 the video, you were provided transcripts prepared by the

1 government to help you follow along. The audio and video
2 recordings are in the forms of CDs and DVDs that were marked as
3 exhibits and which you will have in the jury room. The
4 transcripts have also recently been admitted as exhibits, and
5 you will have them in the jury room as well. However, based
6 upon the evidence before you, if you believe at any point that
7 the transcripts report something different from what you hear
8 or see on the CDs or the DVDs, you should be guided by what you
9 hear and see on those CDs and DVDs.

11:41 10 Now, a defendant has a constitutional right not to
11 testify and a right not to produce any evidence at all. No
12 inference of guilt or anything else may be drawn from the fact
13 that a defendant did not testify. In this case, the defendant
14 has chosen not to exercise his right to testify. It would be
15 improper and unfair for you to speculate as to the reason or
16 reasons why the defendant has so chosen. You must not infer
17 anything whatsoever from the defendant's decision not to
18 testify, and I specifically instruct you that during your
19 deliberations you may not discuss this fact in any manner
20 whatsoever.

21 You are here to decide whether the government has
22 proven beyond a reasonable doubt that the defendant is guilty
23 of the crimes charged in the Indictment. The defendant is not
24 on trial for any act, conduct or offense not alleged in the
25 Indictment.

1 Now, an important part of your job as jurors will be
2 deciding whether or to what extent you believe what each
3 witness had to say and how important that testimony was. You
4 are the sole judges of the credibility of the witnesses. In
5 deciding whether to believe a witness or how much weight to
6 give to that witness' testimony, you may consider anything that
7 reasonably helps you to assess testimony.

8 The following are the kinds of questions that you may
9 want to consider in evaluating a witness' credibility: Did the
11:43 10 person seem honest? Did he or she have some reason not to tell
11 the truth? Did the witness have an interest in the outcome of
12 the case? Did he or she gain any personal advantage by
13 testifying in this case? Did the witness seem to have a good
14 memory? Did the witness' testimony differ from his or her
15 earlier testimony or from the testimony of other witnesses?
16 Was the witness' testimony on cross-examination different from
17 his or her testimony on direct examination? What was the
18 witness' manner while testifying? To what extent did the
19 witness have or not have an opportunity to see and know the
11:44 20 fact about he or she was testifying? How accurate was the
21 witness' recollection? What was the degree of intelligence
22 shown by the witness?

23 These are some but, of course, not all of the kinds of
24 things that will help you decide how much weight to give to
25 what each witness said. You may also consider any demonstrated

1 bias, prejudice or hostility of a witness in deciding what
2 weight to give to the testimony of that witness.

3 The mere number of witnesses or exhibits or the length
4 of testimony has no bearing on what weight you should give to
5 evidence or on whether you find that the burden of proof has
6 been met. Weight does not mean amount of evidence. Weight
7 means your judgment about the credibility and importance of
8 evidence. Further, because the government bears the burden of
9 proof in this case, it has presented its case first, and the
11:44 10 defendant presented his case second. Any witness that may have
11 been called by either side should not be considered a
12 government witness or a defendant's witness but instead should
13 simply be considered a trial witness. In short, you must not
14 draw any conclusions from the fact that one side or the other
15 was the first party to question any witness.

16 You may consider inconsistencies or differences as you
17 weigh evidence, but you do not have to discredit testimony
18 merely because an inconsistency or a difference exists. Two or
19 more witnesses may see or hear things differently. Innocent
11:45 20 misrecollection, like failure of recollection, is a common
21 experience. In weighing the effect of any inconsistency or
22 difference, consider whether it concerns a matter of importance
23 or an unimportant detail and whether it results from innocent
24 error or intentional falsehood. On the other hand, you're not
25 required to accept testimony merely because it is

1 uncontradicted. You may decide, because of a witness' bearing
2 and demeanor or because of inherent improbability or for
3 whatever reason, that witness' testimony is not worthy of
4 belief. You may accept all of a witness' testimony or reject
5 all of it, or you may accept part and reject another part.

6 You've heard evidence that before testifying at this
7 trial, a witness made a statement concerning the same subject
8 matter as his testimony in this trial. You may consider that
9 earlier statement to help you decide how much of that witness'
11:46 10 testimony to believe. If you find that the prior statement was
11 not consistent with the witness' testimony at this trial, then
12 you should decide whether that affects the believability of
13 that witness' testimony at the trial.

14 In making this determination, you may consider whether
15 the witness purposely made a false statement or made an
16 innocent mistake, whether the inconsistency concerns an
17 important fact or a small detail, and whether the witness had
18 an explanation for the inconsistency and, if so, whether it
19 appeals to your common sense.

11:47 20 You've heard testimony of law enforcement officers.
21 The fact that a witness may be employed by -- as a law
22 enforcement officer does not mean that his or her testimony is
23 necessarily deserving of more or less consideration or greater
24 or lesser weight than that of an ordinary witness. It is your
25 decision, after reviewing all of the evidence, whether to

1 accept the testimony of a law enforcement witness and to give
2 to that testimony whatever weight, if any, you find it
3 deserves.

4 You've also heard from an individual having
5 specialized skill or knowledge. Such witnesses are sometimes
6 referred to as expert witnesses. You may accept or reject that
7 testimony. In weighing the testimony, you should consider the
8 factors that generally bear upon the credibility of a witness
9 as well as the expert witness' education and experience, the
11:48 10 soundness of the reasons for the opinion, and all other
11 evidence in the case. Remember that you alone decide how much
12 of a witness' testimony to believe and how much weight it
13 should be given.

14 You've heard the testimony of Ronald Dardinski, a
15 cooperating witness. He provided evidence under agreement with
16 the government and received money from the government in
17 exchange for providing information and testimony. Some people
18 in that position are entirely truthful when testifying. Still,
19 you should consider such testimony with particular caution
11:48 20 because cooperating witnesses may have reason to make up
21 stories or exaggerate what others did for their own benefit.

22 You've also heard evidence that Mr. Dardinski has been
23 convicted of a number of crimes. You may consider that
24 evidence, along with other pertinent evidence, in deciding how
25 much weight to give to his testimony.

1 An important issue in every case -- in every criminal
2 case is the identification of the defendant as the perpetrator
3 of the crime charged. The United States has the burden of
4 proving the identity of the perpetrator beyond a reasonable
5 doubt. You, the jury, must be satisfied beyond a reasonable
6 doubt of the accuracy of the identification of the defendant
7 before you may find him guilty. If you are not convinced
8 beyond a reasonable doubt that the defendant was the person who
9 committed the crime charged, you must find the defendant not
11:49 10 guilty.

11 The evidence in this case includes facts to which the
12 government and the defendant have agreed or stipulated. A
13 stipulation means simply that the government and the defendant
14 accept the truth of a particular proposition or fact. Since
15 there is no disagreement, there is no need for evidence apart
16 from the stipulation to establish that particular proposition
17 or fact. You must accept the stipulation as fact, to be given
18 whatever weight you choose.

19 Now, the defendant in a criminal case is presumed to
11:50 20 be innocent. This presumption is a fundamental part of our
21 legal system and remains with the defendant throughout all
22 stages of the trial and during your deliberations. It is not
23 overcome unless, from all of the evidence in the case, you are
24 unanimously convinced beyond a reasonable doubt that the
25 defendant is guilty of the specific charge against him. The

1 fact that the defendant has been charged with a crime is not in
2 any sense evidence against him. An Indictment is merely a
3 formal way to bring the defendant before the Court and to
4 inform him of the charges. It's not evidence.

5 There is never any burden on a defendant in a criminal
6 case. The law does not require the defendant to prove his
7 innocence or to produce any evidence at all. The burden of
8 proof is on the government throughout the case. It never
9 shifts to the defendant. If the government fails to meet its
11:51 10 burden beyond a reasonable doubt with respect to the specific
11 crime charged against the defendant, then you must acquit him.
12 However, if the government meets its burden of proof beyond a
13 reasonable doubt, then you have a similar responsibility to
14 find the defendant guilty.

15 As I've said, the burden is upon the government to
16 prove beyond a reasonable doubt that the defendant is guilty of
17 the charge against him. This is a strict and heavy burden, but
18 it does not mean that the defendant's guilt must be proved
19 beyond all possible doubt. It does not require that the
11:51 20 evidence exclude -- it does require that the evidence exclude
21 any reasonable doubt concerning the defendant's guilt.

22 A reasonable doubt may arise not only from the
23 evidence produced but also from a lack of evidence. Reasonable
24 doubt exists when, after weighing and considering all of the
25 evidence, using reason and common sense, jurors cannot say that

1 they have a settled conviction of the truth of the charge.

2 Of course, a defendant is never convicted on suspicion
3 or conjecture. If, for example, you view the evidence in the
4 case as reasonably permitting either of two conclusions -- one,
5 that the defendant is guilty as charged, the other that the
6 defendant is not guilty -- you will find the defendant not
7 guilty.

8 It is not sufficient for the government to establish a
9 probability, even if a strong one, that a fact charged is more
11:52 10 likely true than not true. That is not enough to meet the
11 burden of proof beyond a reasonable doubt. On the other hand,
12 there are very few things in this world that we know with
13 absolute certainty, and in criminal cases the law does not
14 require proof that overcomes every conceivable doubt.

15 I instruct you that what the government must do to
16 meet its heavy burden is to establish the truth of each part of
17 each offense charged by proof that convinces you and leaves you
18 with no reasonable doubt and thus satisfies you that you can,
19 consistent with your oath as jurors, base your verdict upon it.
11:53 20 If you so find as to the charges against the defendant, you
21 will return a verdict of guilty. If, on the other hand, you
22 think there is a reasonable doubt about whether the defendant
23 is guilty of the offense, you must give the defendant the
24 benefit of that doubt and find the defendant not guilty.

25 Now, Part II. I turn to the Indictment and to the

1 statutes on which it is based. The Indictment charges the
2 defendant, Robert A. George, with violating federal criminal
3 law. The charge is set forth in seven counts. Count 1 charges
4 the defendant conspired to commit certain money laundering
5 offenses. Count 2 -- Counts 2 through 6 charge that the
6 defendant committed five separate substantive money laundering
7 offenses. And Count 7 charges that the defendant purposefully
8 evaded the reporting requirements and attempted to cause a
9 financial institution to fail to file a required report.

11:54 10 The defendant has pled not guilty to those charges,
11 and the government, therefore, must prove beyond a reasonable
12 doubt all of the elements that are a part of each alleged
13 offense. You must give separate consideration to each of the
14 seven separate charges; that is, you must consider each count
15 separately, weighing the evidence as it bears against the
16 defendant with respect to that count.

17 I remind you that an Indictment is not evidence of any
18 kind against the defendant. It is simply the formal method
19 that our Constitution provides for charging someone with the
11:55 20 commission of a crime. I will send a copy of the Indictment to
21 the jury room with you to aid you in your deliberations.

22 You will note that the Indictment charges the offenses
23 were committed "on or about" a certain date rather than "on" a
24 certain date. The proof need not establish with certainty the
25 exact date of the alleged offenses. It is sufficient if the

1 evidence in the case establishes beyond a reasonable doubt that
2 the offenses were committed on a date reasonably near the date
3 alleged.

4 The word "knowingly" or any derivative thereof means
5 that the act was done voluntarily and intentionally and not
6 because of mistake or accident. If the defendant acted in good
7 faith, for example, that is a defense to the charge that he
8 acted in a knowingly criminal manner. Direct proof of
9 knowledge is almost never available. The ultimate facts of
11:55 10 knowledge and intent, though subjective, may be established by
11 circumstantial evidence, based upon a person's outward conduct,
12 his words, acts, and all the surrounding circumstances
13 disclosed by the evidence and the rational or logical
14 inferences that may be drawn therefrom.

15 I now will explain the specific charges against the
16 defendant. In this case, I will submit specific questions to
17 you on a verdict form, but first I will summarize each claim
18 and explain how to apply the law to that claim.

19 At this time, however, my deputy clerk will distribute
11:56 20 copies of the verdict form that you will have in the jury room,
21 and I'll then refer to them during the remainder of these
22 instructions.

23 Now, you'll see that the form is entitled "Verdict
24 Form" at the top, and it has in bold type, "We, the jury,
25 unanimously find as to the defendant, Robert A. George...", and

1 then there's a subparagraph, "...1) On the charge of money
2 laundering conspiracy, Title 18 of the United States Code,
3 Section 1956(h), Count 1," and there's a place for you to check
4 off "not guilty" or "guilty." I'm going to ask you to put the
5 form down, and we'll talk about that count, and we'll go back
6 and forth to the other counts.

7 Count 1 of the Indictment charges the defendant with
8 conspiring to commit the federal crime of money laundering.
9 Specifically, he is charged with conspiring with Michael Hansen
11:57 10 from on or about February 2009 until on or about June 8, 2010,
11 to commit money laundering. I instruct you that the defendant
12 cannot be found guilty of conspiring with Ronald Dardinski to
13 commit money laundering.

14 The crime of conspiracy to commit money laundering is
15 independent from the crime of actually committing money
16 laundering and is complete upon the making of an agreement. It
17 is against federal law to conspire with someone to commit the
18 crime. For you to find the defendant guilty of conspiracy to
19 commit money laundering, you must be convinced that the
11:58 20 government has proven each of the following two elements beyond
21 a reasonable doubt: first, that the agreement specified in the
22 Indictment, and not some other agreement or agreements, existed
23 between at least two people to commit money laundering; and
24 second, that the defendant willfully joined in that agreement.

25 First, you must determine whether the government has

1 proven beyond a reasonable doubt the existence of a conspiracy
2 as charged in Count 1 of the Indictment. A conspiracy is an
3 agreement, spoken or unspoken. The conspiracy does not have to
4 be a formal agreement or a plan in which everyone involved sat
5 down together and worked out all of the details. It does not
6 even have to be a successful plan. But the government must
7 prove beyond a reasonable doubt that those who were involved
8 shared a general understanding about the crime. Mere
9 similarity of conduct among various people, mere presence at
11:59 10 the scene, the fact of close association among various people,
11 or the discussion of common aims and interests does not
12 necessarily establish proof of the existence of a conspiracy,
13 but you may consider such factors.

14 Second, if you decide that a conspiracy did exist, you
15 must determine whether the defendant willfully joined in it.
16 To act "willfully" means to act voluntarily and intelligently
17 and with the specific intent that the underlying crime be
18 committed, that is to say, with bad purpose either to disobey
19 or disregard the law, not to act by ignorance, accident or
20 mistake. The government must prove two kinds of intent beyond
21 a reasonable doubt before Mr. George can be said to have
22 willfully joined the conspiracy: first, an intent to agree;
23 and second, an intent, whether reasonable or not, that the
24 underlying crime be committed. Mere presence at the scene of a
25 crime is not alone enough, although you may consider it among

1 other factors. Intent may be inferred from a person's actions,
2 from what that person says or does, and from the surrounding
3 circumstances. Mere knowledge or approval of or acquiescence
4 in the object or purpose of a conspiracy without an agreement
5 to cooperate in achieving such object or purpose does not make
6 one a party to a conspiracy.

7 Proof that the defendant willfully joined in the
8 agreement must be based upon evidence of his own words and/or
9 actions. You need not find that the defendant agreed
12:01 10 specifically to or knew about all of the details of the crime
11 or that he participated in each act of the agreement or played
12 a major role. But the government must prove beyond a
13 reasonable doubt that the defendant knew the essential features
14 and general aims of the venture. You may infer that the
15 defendant had knowledge of those features and aims if you find
16 that he deliberately closed his eyes to what would otherwise
17 have been obvious to him, but mere negligence or mistake in
18 failing to learn of them is insufficient.

19 Proof of a financial interest in the outcome of a
12:02 20 scheme is not essential, but if you find that the defendant had
21 such an interest, you may consider it in determining whether or
22 not the defendant was a member of the conspiracy charged in the
23 Indictment. Even if the defendant was not part of the
24 agreement at the very start, he can be found guilty of
25 conspiracy if the government proves beyond a reasonable doubt

1 that he willfully joined the agreement later. On the other
2 hand, a person who has no knowledge of the conspiracy but
3 simply happens to act in a way that furthers some object or
4 purpose of the conspiracy does not thereby become a
5 conspirator.

6 The government does not have to prove that the
7 conspiracy succeeded or was achieved. The fact that the object
8 of the conspiracy was thwarted by law enforcement does not
9 matter. The crime of conspiracy is complete upon the agreement
12:02 10 to commit the underlying crime.

11 In determining whether the defendant is guilty of
12 conspiracy, you need not find that the conspiracy existed over
13 the entire period charged or that the defendant was a member
14 from beginning to end. What must be proven beyond a reasonable
15 doubt is that the conspiracy was in existence for some period
16 of time reasonably near the time alleged or for some portion of
17 the period charged and that the defendant was a member of the
18 conspiracy during that period.

19 Count 1 charges that the conspiracy had two objects:
12:03 20 first, to conceal the source of proceeds derived from unlawful
21 activity, specifically narcotics trafficking or wire fraud, in
22 violation of Title 18 of the United States Code, Section
23 1956(a)(1)(B)(I), and, Subsection 2, to commit transactional
24 money laundering, in violation of Title 18 of the United States
25 Code, Section 1957. To convict the defendant of conspiracy,

1 you must unanimously agree that the defendant conspired to
2 commit at least one of the offenses alleged. I instruct you
3 that your verdict must be unanimous as to which object of the
4 conspiracy, if any, you find the defendant guilty. It is not
5 necessary for the government to prove that the defendant
6 conspired to commit both offenses charged as the objects of the
7 conspiracy.

8 I will, therefore, explain the elements of money
9 laundering under those specific sections of the United States
12:04 10 Code. And with respect to the first, that is, Section
11 1956(a)(1)(B)(I), the elements are as follows: first, the
12 defendant knowingly conducted or attempted to conduct a
13 financial transaction; second, the transaction involved
14 property constituting the proceeds of unlawful activity,
15 specifically, narcotics trafficking or wire fraud; third, the
16 defendant knew that the property involved in the financial
17 transaction was the proceeds of some form of unlawful activity;
18 and fourth, the defendant knew that the transaction was
19 designed, in whole or in part, either to conceal or disguise
12:05 20 the nature, location, source, ownership or control of the
21 proceeds of narcotics trafficking or wire fraud.

22 The term "conducts" includes initiating, concluding or
23 participating in initiating or concluding a transaction. A
24 "financial transaction" is a transaction which involves a
25 monetary instrument, personal or business check, or the

1 movement of funds by wire or other means and which affects
2 interstate commerce.

3 The term "interstate commerce" means commerce between
4 any combination of states, territories or possessions of the
5 United States. The transaction must have affected interstate
6 commerce in some way. It is not necessary for the government
7 to prove that the defendant anticipated an effect on interstate
8 commerce. It is only necessary that the natural and probable
9 consequences of the defendant's conduct would be to affect
12:06 10 commerce in some way. Only a minimal effect on commerce is
11 necessary. If you find beyond a reasonable doubt that the
12 transactions involved checks drawn on banks insured by the
13 Federal Deposit Insurance Corporation, that is itself
14 sufficient to satisfy the affecting interstate commerce
15 requirement.

16 In this case, the government has alleged that the
17 defendant conspired to launder funds derived from the unlawful
18 activity of narcotics trafficking and/or wire fraud.

19 "Narcotics trafficking" involves the felonious manufacture,
12:07 20 importation, receiving, concealing, buying, selling or
21 otherwise dealing in a controlled substance. "Wire fraud"
22 involves a scheme to defraud or obtain money or property
23 through false pretenses where interstate wire communications
24 such as wire transfers, telephone calls or facsimiles were used
25 in the execution of that scheme. For purposes of the

1 conspiracy charge, you need not determine whether the funds
2 were, in fact, the proceeds of either of those unlawful
3 activities but only whether the defendant believed them to be.

4 With respect to the second object of the alleged
5 conspiracy, Section 1957, the elements are as follows: first,
6 that the defendant engaged or attempted to engage in a monetary
7 transaction in or affecting interstate commerce; second, that
8 the monetary transaction involved criminally derived property
9 of a value greater than \$10,000; third, that the property was
12:08 10 derived from narcotics trafficking or wire fraud; fourth, that
11 the defendant knew the transaction involved proceeds of a
12 criminal offense; and fifth, that the transaction took place in
13 the United States.

14 Again, for the purposes of the conspiracy charge, you
15 need not determine whether the funds were, in fact, the
16 proceeds of narcotics trafficking or wire fraud but only
17 whether the defendant believed them to be.

18 In sum, in deliberating on the charge of conspiracy to
19 commit money laundering, you must first determine whether the
12:09 20 government has proven beyond a reasonable doubt the existence
21 of a conspiracy as charged in Count 1 of the Indictment. If
22 you find that the proof fails to establish such a conspiracy,
23 you may not find Mr. George guilty of conspiracy to commit
24 money laundering, and you must return a verdict of not guilty
25 as to the conspiracy charge. If you decide that such a

1 conspiracy did exist, then you must determine whether the
2 defendant was a member. If you find that the defendant was a
3 member of the conspiracy to commit money laundering, you must
4 return a verdict of guilty as to the conspiracy charge.

5 Now, I'm going to go back to the form, but we're going
6 to skip down to the second page, for reasons that you'll
7 understand later, and look at Question No. 6. Question No. 6
8 says, "On the charge of money laundering, Title 18 of the
9 United States Code, Section 1956(a)(3)(B), Count 6, you
12:10 10 find..." "not guilty" or "guilty." And I'll ask you to put the
11 form down, and we're going to talk about Count 6.

12 Count 6 charges the defendant conducted a financial
13 transaction involving property represented to be the proceeds
14 of specified unlawful activity with the intent to conceal or
15 disguise the nature, location, source, ownership or control of
16 the property. This count is based upon the \$2,500 check Mr.
17 George allegedly gave to Ronald Dardinski.

18 In order to prove the crime of money laundering, in
19 violation of Section 1956(a)(3)(B), the government must
12:10 20 establish beyond a reasonable doubt each of the following three
21 elements: first, that the defendant conducted or attempted to
22 conduct a financial transaction which affects interstate or
23 foreign commerce in any way or degree; second, that the
24 transaction involved property represented by a law enforcement
25 officer and believed by the defendant to be the proceeds of

1 unlawful activity, specifically narcotics trafficking and/or
2 wire fraud; and third, that the defendant acted with the intent
3 to conceal or disguise the nature, location, source, ownership
4 or control of the property.

5 I've previously instructed you on the meanings of
6 "conducts," "financial transaction," and "affecting interstate
7 commerce," and I will not repeat those instructions here.

8 A "law enforcement officer" includes federal law
9 enforcement officers and any other person acting under the
12:12 10 direction or with the approval of a federal official authorized
11 to investigate or prosecute money laundering.

12 With respect to the second element, the government is
13 not required to prove that the law enforcement officer made an
14 express affirmative statement to the defendant that the
15 property involved was the proceeds of unlawful activity.
16 Instead, the government must prove that the law enforcement
17 officer made the defendant aware of circumstances from which a
18 reasonable person would infer that the property was the
19 proceeds of illegal activity, in this case, narcotics
12:12 20 trafficking or wire fraud, and that the defendant believed that
21 the property was the proceeds of illegal activity. You should
22 consider all of the evidence in determining whether the
23 government has satisfied that standard.

24 With respect to the third element, one acts with
25 "intent" if he acts deliberately and purposefully, and not by

1 mistake or accident, with the purpose to conceal or disguise
2 the nature, location, source, ownership or control of the
3 property. To satisfy this element, the government must prove
4 that the defendant knew of the purpose of the particular
5 transaction in issue and that he intended that the transaction
6 conceal or disguise the origin of the property in question as
7 he believed it to be.

8 I'm going to go back to the form, and we'll switch
9 back to Page 1 and look at Questions 2 and 3 together.

12:13 10 Question 2 says: "On the charge of aiding and abetting money
11 laundering...", and there's a reference to Title 18 of the
12 United States Code, Sections 2, and also Section 1956(a) (3) (B),
13 Count 2. And there's a place for you to check off "not guilty"
14 or "guilty." And, again, as to the third paragraph, it says,
15 "On the charge of aiding or abetting money laundering, Title
16 18, United States Code, Sections 2, and 1956(a) (3) (B), Count
17 3...", and, again, a place to check off "not guilty" or
18 "guilty." Will you put the form down, please, and we'll talk
19 about Counts 2 and 3.

12:14 20 Those counts charge that the defendant aided and
21 abetted financial transactions which involved property
22 represented to be the proceeds of specified unlawful activity,
23 specifically narcotics trafficking and/or wire fraud. Count 2
24 charges that Mr. George aided and abetted a \$100,000
25 transaction between Ronald Dardinski and Michael Hansen on or

1 about September 16, 2009. Count 3 charges that Mr. George
2 aided and abetted a \$100,000 transaction between Ronald
3 Dardinski and Michael Hansen on or about April 15, 2010.

4 To "aid and abet" means intentionally to help someone
5 else commit a crime. The aiding and abetting statute, Section
6 2(a) of Title 18 of the United States Code, provides, "Whoever
7 commits an offense against the United States or aids or abets
8 or counsels, commands or induces or procures its commission, is
9 punishable as a principal."

12:15 10 To establish aiding and abetting, the government must
11 prove beyond a reasonable doubt: first, that someone else
12 committed the charged crime; and second, that the defendant,
13 Mr. George, consciously shared the other person's knowledge of
14 the underlying criminal act, intended to help him and
15 intentionally took part in the endeavor seeking to make it
16 succeed.

17 The charged crime that the defendant is alleged to
18 have aided and abetted is money laundering, in violation of
19 Section 1956(a)(3)(B), that is, conducting a financial
12:16 20 transaction involving property represented to be the proceeds
21 of specified unlawful activity with the intent to conceal or
22 disguise the nature, location, source, ownership or control of
23 the property. I've described the elements of that crime
24 already with respect to Count 6, and you may refer back to
25 those instructions if necessary.

1 To prove that the defendant is guilty of aiding and
2 abetting that crime, the government must establish beyond a
3 reasonable doubt that he consciously shared the other person's
4 knowledge of the underlying criminal act and intended to help
5 that other person. The alleged aider and abettor need not
6 physically perform the underlying criminal act, be present when
7 it was performed to (sic) be aware of the details of its
8 execution, to be guilty of aiding and abetting. But a general
9 suspicion that an unlawful act may occur or that something
12:17 10 criminal is happening is not enough. Mere presence at the
11 scene of a crime and knowledge that a crime is being committed
12 are also not sufficient to establish aiding and abetting. The
13 aider and abettor must also associate himself with the criminal
14 venture and participate in it by providing assistance,
15 encouragement or help. He must be more than a mere spectator.

16 Back to the form one more time, or maybe there's two
17 more times. And we're now at Question No. 4. And that says,
18 "On the charge of money laundering, Title 18, United States
19 Code, Section 1956(a)(3)(C), Count 4...", a place for you to
12:18 20 check off "guilty" or "not guilty." And then on the next page,
21 on the top, Paragraph 5 says, "On the charge of money
22 laundering...", same reference to the same statute, Count 5,
23 and, again, a place to check off "not guilty" or "guilty."
24 We'll put it down and talk about Counts 4 and 5 for a minute.
25

Counts 4 and 5 charge that the defendant conducted a

1 financial transaction involving property represented to be the
2 proceeds of specified unlawful activity with the intent to
3 avoid a transaction reporting requirement under state or
4 federal law. Count 4 is based upon the deposit of \$9,000 cash
5 into the defendant's bank account on March 4, 2011. Count 5 is
6 based upon the deposit of \$8,000 of cash into the defendant's
7 bank account on that same date.

8 In order to prove the crime of money laundering, in
9 violation of Section 1956(a) (3) (C), the government must
12:19 10 establish beyond a reasonable doubt each of the following three
11 elements: first, that the defendant conducted or attempted to
12 conduct a financial transaction which affects interstate or
13 foreign commerce in any way or degree; second, that the
14 transaction involved property represented by a law enforcement
15 officer and believed by the defendant to be the proceeds of
16 unlawful activity, specifically narcotics trafficking and or
17 wire fraud; and third, that the defendant acted with the intent
18 to avoid a transaction reporting requirement under state or
19 federal law.

12:19 20 With respect to the third element, one acts with
21 "intent" if he acts deliberately and purposefully and not by
22 mistake or accident, with the purpose to avoid a transaction
23 reporting requirement under state or federal law.

24 Under federal law, financial institutions must report
25 to the Internal Revenue Service, that is, the IRS, any cash

1 transactions involving more than \$10,000. The bank must submit
2 a Currency Transaction Report, sometimes known as a CTR, to
3 satisfy that, the defendant -- to satisfy that the defendant
4 acted with intent to avoid that transaction reporting
5 requirement, the government must prove that the defendant knew
6 that the purpose of the particular transaction in issue was to
7 avoid the reporting requirement and that he intended that the
8 transaction be conducted in such a way as to avoid that
9 reporting requirement.

12:20 10 Now, finally, back to the form, and we'll read
11 Question No. 7. "On the charge of structuring transactions to
12 evade reporting requirements, Title 31 of the United States
13 Code, Section 5324(a)(1)...", that's Count 7, and there's a
14 place for you to check off "guilty" or "not guilty." If you'll
15 put the form down, we'll talk about that final count.

16 Count 7 charges that the defendant structured a
17 financial transaction to avoid reporting requirements. This
18 count is based upon the two deposits the defendant made into
19 his bank on March 4, 2011.

12:21 20 It is against federal law to structure transactions
21 for the purpose of evading a reporting requirement. For the
22 defendant to be convicted of this crime, the government must
23 prove the following elements beyond a reasonable doubt: first,
24 that the defendant structured or attempted to structure a
25 transaction with one or more domestic financial institutions;

1 and second, that the defendant did so with the purpose of
2 evading the reporting requirements of federal law affecting the
3 transactions.

4 Federal law requires that transactions in currency of
5 more than \$10,000 be reported by a financial institution to the
6 Internal Revenue Service. A withdrawal or deposit of cash from
7 a financial institution is a financial transaction.

8 As used in these instructions, the term "financial
9 institution" includes federally insured banks.

12:22 10 The term "structure" refers to the manner in which a
11 transaction was carried out. Structuring occurs when a person
12 conducts or attempts to conduct one or more currency
13 transactions at one or more financial institutions or different
14 branches of the same financial institution, on one or more
15 days, with the purpose of evading currency transaction
16 reporting requirements in any manner. Structuring includes
17 breaking down a single sum of currency over \$10,000 into
18 smaller sums or conducting a series of cash transactions all at
19 or below \$10,000 with the purpose of evading currency
20 transaction reporting requirements.

21 You may find the defendant guilty of unlawfully
22 structuring a transaction whether or not the financial
23 institution filed or failed to file a true and accurate
24 Currency Transaction Report.

25 Now, I hereby instruct you, as a matter of law, that

1 Mr. George did not engage in any unlawful behavior by simply
2 accepting the undercover agent as a new client or by accepting
3 the \$25,000 in cash as a legal fee. There are no charges in
4 this case that he did anything unlawful or illegal in that
5 regard.

6 Now, the defendant denies each and every charge of the
7 Indictment. He also asserts, as an affirmative defense to
8 those charges, that he was the victim of entrapment by an agent
9 of the government. A person is entrapped when he is induced or
12:24 10 persuaded by law enforcement officers or their agents to commit
11 a crime that he was not otherwise ready and willing to commit.
12 The law forbids his conviction in such a case. However, law
13 enforcement agents are permitted to use a variety of methods to
14 afford an opportunity to a defendant to commit an offense,
15 including the use of undercover agents, furnishing of funds for
16 the purpose of controlled substances, the use of informers, and
17 the adoption of false identities.

18 For you to find that the defendant is guilty of crimes
19 with which he is charged, you must be convinced that the
12:25 20 government has proven beyond a reasonable doubt that the
21 defendant was not entrapped. To show that the defendant was
22 not entrapped, the government must establish beyond a
23 reasonable doubt one of the following two things: first, that
24 a government agent did not persuade or talk the defendant into
25 committing the crime. Simply giving someone an opportunity to

1 commit a crime is not the same as persuading him, but excessive
2 pressure or an undue appeal to sympathy can be improper. Or,
3 second, that the defendant was ready and willing to commit the
4 crime without any persuasion from a government agent. In that
5 connection, you've heard testimony about actions by the
6 defendant for which he is not on trial. If you decide to
7 credit such evidence, you may consider it only for the limited
8 purpose of determining whether it tends to show the defendant's
9 willingness to commit the charged crime or crimes without the
12:26 10 persuasion of a government agent. You must not consider it for
11 any other purpose.

12 And, now, Part III of my instructions, which you will
13 be glad to know is, by far, the shortest. When you go to the
14 jury room to begin considering the evidence in this case, the
15 forewoman, Miss Felzani, will assure that every juror is
16 present during all of your deliberations and that all the
17 jurors, the forewoman included, will have an equal and full
18 opportunity to participate in deliberations. All of the
19 exhibits that have been admitted into evidence will be
12:26 20 available for you physically. There is also a large,
21 touchscreen computer in the jury room upon which you will be
22 able to access all of the exhibits and this charge
23 electronically. I'm told that operating that machine is very
24 simple. If you have any difficulty understanding the
25 technology, you can access a short tutorial film by pressing a

1 button in the lower left-hand corner of the screen.

2 Once you are in the jury room, if you need to
3 communicate with me, the forewoman will send a written message
4 to me. If you do send a written message to me, I will discuss
5 it with the lawyers for both sides before responding to you.

6 So please continue your deliberations to the extent you are
7 able during the time it takes me to respond to any question.

8 Do not stop your deliberations while you wait for a response.

9 And do not tell me how you stand, either numerically or
12:27 10 otherwise, on any issue before you until after you have reached
11 a verdict.

12 On matters touching simply on the arrangements for
13 your meals, schedule and convenience, you are free to
14 communicate with the marshal orally rather than in writing.
15 You are not to communicate with anyone other than me about the
16 case, however, and then only in writing.

17 You may not use any electronic device or media such as
18 a telephone, cell phone, BlackBerry, computer or the internet,
19 et cetera, to communicate with anyone, receive any information
12:28 20 about this case or conduct any research about the case until
21 after I accept your verdict.

22 I have read to you what is called a verdict form. A
23 verdict form is simply the written notice of the decision that
24 you reach. You will have the original and copies of this form
25 in the jury room; and when you have reached your verdict, you

1 will have your forewoman fill in, date, and sign the original
2 to state the verdict upon which you agree. You will then
3 report in writing to the marshal that you have reached a
4 verdict, after which you will be invited to return with your
5 verdict to the courtroom. Your verdict of not guilty or guilty
6 must represent the individual verdict of each juror as to
7 whether or not each element of the charge against the defendant
8 then under consideration is proved beyond a reasonable doubt.
9 Your verdict must be unanimous.

12:29 10 It is not quite time for you to start deliberating. I
11 will have a short sidebar conference with counsel. You may be
12 at ease for a few minutes, and then I'll return with a final
13 instruction to give to you before you retire to deliberate. I
14 will see counsel at sidebar.

15 (SIDEBAR CONFERENCE AS FOLLOWS:

16 THE COURT: Government?

17 MS. KAPLAN: We don't have any objections.

18 THE COURT: Mr. Goldstein?

19 MR. GOLDSTEIN: A few, your Honor. One is, you
12:29 20 instructed the jury that the defendant could have joined the
21 conspiracy at a later point in time, which by itself is
22 obviously not an incorrect statement of the law. But on the
23 facts of this case, your Honor, I'm concerned that the jury
24 might think that he could have joined the conspiracy between
25 Hansen and Dardinski. And the Court will recall, Hansen does

1 not meet Dardinski until August, well after Mr. Dardinski is
2 already cooperating with the government. So on the facts of
3 this case, the only people that can be charged as conspirators
4 are Mr. George and Mr. Hansen. So I'd ask the Court to make it
5 clear to the jury that the only conspiracy -- you did it once,
6 but I'd like to clarify because of this joining at a later
7 time. The only conspiracy charge is the conspiracy between Mr.
8 George and Mr. Hansen, and you must find that Mr. George and
9 Mr. Hansen conspired and no other people, no other person.

12:31 10 MS. KAPLAN: I mean, I think it was an accurate
11 statement of the law. I think some way that the jury could
12 find the -- I think it's an accurate statement of the law. I
13 don't think it's necessary to repeat once again. You already
14 said it, that Dardinski could not be a coconspirator in this
15 matter.

16 THE COURT: Okay. Anything else?

17 MR. GOLDSTEIN: I want to reserve my objections that I
18 made during the charge conference and this morning.

19 In the aiding and abetting, your Honor, you instructed
20 the jury that mere presence and knowledge is not enough. Would
21 the Court consider just reminding them that it's "mere
22 presence" or "mere knowledge"? I don't want the jury to think
23 that they would have -- that it -- he has to be present and/or
24 have knowledge. If you'd instruct "mere presence" or "mere
25 knowledge."

1 Then on the entrapment --

2 THE COURT: Before --

3 MS. KAPLAN: I think that's going to be confusing. I
4 think the way you stated it was accurate.

5 MR. GOLDSTEIN: The last one, your Honor, is on the
6 entrapment. When you're talking about improper inducement, if
7 you could add -- I think your Honor said "excessive pressure."
8 Would you consider adding "dogged persistence," another
9 catchphrase that comes from relevant cases?

12:32 10 THE COURT: I'm not going to do that.

11 Anything else?

12 MS. KAPLAN: No, your Honor.

13 THE COURT: Counsel, you now understand that I
14 separate the two alternates. I don't let them go home. They
15 remain in another location in the unlikely event that we need
16 to utilize them. This is when I do that.

17 MR. GOLDSTEIN: Thank you.

18 . . . END OF SIDEBAR CONFERENCE.)

19 THE COURT: All right, jurors. You have probably
20 noticed that there are 14 of you, and you may know that only 12
21 deliberate. The final two jurors seated in the jury are the
22 alternates. Their job is not done yet. I'm going to ask them
23 to stay in a separate room in the unlikely event that we may
24 need to utilize their services. They are Miss Owen in Seat 8
25 and Mr. Bouvier in Seat 5. My deputy clerk will show you to a

1 separate location. We do appreciate your willingness to be
2 available if and when your services become necessary.

3 Members of the jury, it is now time for the case to be
4 submitted to you. You may commence your deliberations. All of
5 you who are on the jury must be together at all times while you
6 are deliberating. Whenever you need a recess for any reason,
7 the forewoman, Miss Felzani, may declare a recess. Do not
8 discuss the case during a recess in your deliberations. All of
9 your discussion of the case should occur only while you are
12:34 10 together and Miss Felzani has indicated that deliberations may
11 proceed. This should be your procedure so that everyone on the
12 jury will have an equal opportunity to participate and to hear
13 all of what the other members of the jury have to say. You may
14 go to the jury room and commence jury deliberations.

15 The binders will be brought in as part of the
16 exhibits, so -- actually, you can take your binders with you.
17 They are now exhibits.

18 (The jury left the room at 12:35 p.m. to commence their
19 deliberations.)

12:34 20

21 THE COURT: Be seated, counsel. Even in this
22 electronic age, counsel, you need to assemble all of the
23 exhibits, the written exhibits, because although they have them
24 electronically available, we make the written exhibits also
25 available. So when Miss Patch returns, I want you to make sure

1 that we have them all in numerical order ready to go into the
2 jury room.

3 Also, you need to give her your cell phone numbers and
4 a way to be in touch with you so that you can be reassembled
5 within ten minutes. If we get a question, I like to have you
6 available within ten minutes.

7 I believe they will be getting lunch momentarily, so
8 that if you want to get a bite to eat, it would probably be
9 best to do that sooner rather than later, but I want you to
12:36 10 remain available on short notice so that if we have any
11 questions.

12 Anything else that needs to come to my attention
13 outside the hearing of the jury?

14 MR. GOLDSTEIN: Not from the defense, your Honor.

15 MS. KAPLAN: No, your Honor.

16 THE COURT: Then we are in recess until further
17 notice.

18 (Recess taken at 12:37 p.m.)

19 THE CLERK: Madam Foreperson, has the jury agreed upon
04:33 20 a unanimous verdict?

21 THE FOREPERSON: Yes.

22 THE CLERK: Madam Foreperson, will you return your
23 verdict to the Court.

24 THE COURT: The verdict form is in order and may be
25 recorded.

1 THE CLERK: Madam Foreperson, members of the jury,
2 hearken to your verdict as the Court has received it. We, the
3 jury, unanimously find, as to the defendant Robert A. George,
4 on the charge of money laundering conspiracy, in violation of
5 Title 18 of the United States Code, Section 1956(h), Count 1,
6 "guilty."

7 On the charge of aiding and abetting money laundering,
8 in violation of Title 18 of the United States Code, Section 2
9 and 1956(a)(3)(B), Count 2, "guilty."

04:34 10 On the charge of aiding and abetting money laundering,
11 in violation of Title 18 of the United States Code, Section 2
12 and 1956(a)(3)(B), Count 3, "guilty."

13 On the charge of money laundering, in violation of
14 Title 18 of the United States Code, Section 1956(a)(3)(C),
15 Count 4, "guilty."

16 On the charge of money laundering, in violation of
17 Title 18 of the United States Code, Section 1956(a)(3)(C),
18 Count 5, "guilty."

19 On the charge of money laundering, in violation of
04:34 20 Title 18 of the United States Code, Section 1956(a)(3)(B),
21 Count 6, "guilty."

22 On the charge of structuring transactions to evade
23 reporting requirements, in violation of Title 31 of the United
24 States Code, Section 5324(a)(1), Count 7, "guilty."

25 So say you, Madam Foreperson, and so say you all,

1 members of the jury?

2 THE JURY: Yes.

3 THE COURT: Do counsel have anything for the Court
4 before the jury is dismissed?

5 MR. GOLDSTEIN: No, your Honor.

6 MS. KAPLAN: No, your Honor.

7 THE COURT: All right. Then, jurors, I thank you for
8 your attention, concern, and care in performing your civic duty
9 over these past two weeks, and because you have performed it,
04:35 10 justice has been done regardless of the direction of your
11 verdict.

12 I hope you do feel a sense of pride in your service
13 because you have performed one of the most fundamental duties
14 of your citizenship and one that distinguishes your duties from
15 those of citizens of most other countries in the world.
16 Uniquely, in the United States, our citizens have the right to
17 a trial by a jury of their fellow citizens.

18 So you are excused from further jury duty and
19 dismissed with the thanks of this Court, and I hope that all of
04:36 20 you will return to your various walks of life with a better
21 understanding and appreciation of what doing justice in this
22 country is all about. You are discharged and we are adjourned.

23 (The jury was discharged at 4:36 p.m.)

24 THE COURT: Be seated, counsel. The sentencing will
25 be scheduled for Wednesday, September 12, 2012, at 3 p.m. Any

1 known conflict, Mr. Goldstein?

2 MR. GOLDSTEIN: I do, your Honor. I'm beginning a
3 trial September 10th before Judge Stearns.

4 THE COURT: All right. We will then defer that for
5 one week, or is that not going to be enough?

6 MR. GOLDSTEIN: It's probably a two-week trial.

7 THE COURT: What about the week before?

8 MR. GOLDSTEIN: I'd rather put it on the week after to
9 be honest.

04:37 10 THE COURT: You mean two weeks after?

11 MR. GOLDSTEIN: If you have to do a week after, I'll
12 --

13 THE COURT: Let's say Wednesday, September 19th, at 3
14 p.m. Any problem with that?

15 MR. GOLDSTEIN: That's fine. I'll work around that.

16 THE COURT: Mr. Reddington?

17 MR. REDDINGTON: No, your Honor.

18 THE COURT: The government?

19 MS. KAPLAN: That's fine, your Honor.

04:37 20 THE COURT: It will be Wednesday, September 19, 2012,
21 at 3 p.m.

22 Do counsel have anything else for the Court before we
23 adjourn?

24 MR. GOLDSTEIN: No, your Honor. Thank you.

25 MS. KAPLAN: No, your Honor.

1 THE COURT: I would just simply say that I think this
2 was a well-tried case. Both clients, if you will, the
3 government and the defendant, were well-served by counsel who
4 did everything they could to represent the interests of their
5 clients. As far as this Court is concerned, it was a
6 well-tried case.

7 MR. GOLDSTEIN: Thank you, your Honor.

8 MS. KAPLAN: Thank you, your Honor.

9 THE COURT: We are adjourned.

04:38 10 (Whereupon, at 4:38 p.m. the trial concluded.)

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1 C E R T I F I C A T E

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4 I certify that the foregoing is a correct transcript
5 of the record of proceedings in the above-entitled matter to
6 the best of my skill and ability.

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/s/Cheryl Dahlstrom

02/11/2013

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Cheryl Dahlstrom, RMR, CRR

Dated

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Official Court Reporter

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